**Minutes of the Virgin Islands Taxicab Commission**

**June 25, 2021**

 Chairperson Lloyd welcomed everyone and asked Secretary George to open with a Prayer. She then requested Roll Call:

 Present were: Chairperson Lloyd

 Vice – Chair Elizabeth Hansen-Watley

 Secretary – Myrna S. George

 Member Vincent Georges

 Member Sweeny Toussaint, Jr.

 Member Franklyn Brathwaite

 Member Camille Paris, Jr., - Absent

 Director Shane Benjamin

 **Chairperson Lloyd** immediately began with the agenda which listed several areas of concern that she wanted to address with Director Benjamin. She asked Director Benjamin in a previous request, to have Executive Assistant Eulatemae Joseph to correct all NOPAs, converting all employees to exempt status as VITCC is a semi-anonymous Agency. Because of this, Lloyd asked him the status and Benjamin asked “How can we do that if they (employees) are all classified.

 **Lloyd** told him that nothing prevents VITCC from doing just that. **Benjamin** noted that he sent the NOPAs to DOP and Lloyd told him that VITCC NOPAs are done in-house. She stated that, “The NOPAs of VITCC are developed by your Executive Assistant Eulatemae Joseph”.

 **Benjamin** stated that they were created by her and then sent to Personnel Department for employee numbers. Again, **Chairperson** asked Director Benjamin if the NOPAs were done as she instructed. **Secretary George** asked the question

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that Chairperson Lloyd asked Benjamin, for clarification as there was a lot of talk within her question. **Benjamin** then responded, “no, I did not convert them to exempt” and he then stated he had no reason for not doing so other than the employees were already in the classified status. **Lloyd** again told him she would remind him that this is a Semi-Autonomous Agency. She stated she gave him a directive and he did not follow through and thus this is an infraction. Also, Chairperson Lloyd stated that she understood that he printed and sold a Rules and Regulations book to Taxi Drivers. She said, “Are you aware that all that information is outdated? Why wasn’t there a conversation with the Board so that we would have known your plans and avoided the sale and circulation of erroneous information?”

**Member Vincent Georges** stated that he is of the opinion that the Director continues to operate under 259 as if this agency is still under Department of Licensing and Consumer Affairs. He stated that he has told Benjamin on numerous occasions that VITCC is now under 274. He stated he kept telling him to read the documents given to him when he was onboarded at VITCC and he would have understood his duties and responsibilities. He was given 274 which governs VITCC. Georges said, “Director Benjamin you continue to act as if you are answering to the Governor”.

**Vice Chair Wattle**y asked for clarity as to what Georges is alleging. She stated that Mr. Benjamin is present, and he needs to state whether he understands that the Board is his Boss and not the Governor.

**Director Benjamin** stated that there was no rule book to follow, not even as it pertains to dress codes for the Drivers so when he found that he sold it for $10.00 to anyone that wanted it.

**Secretary George** stated that she “understand your intentions but it is important that what you are giving the public is up-to-date information. The correct information was given to you at the onset of your employment with VITCC. The

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most current VI Code information was given to you as it pertains to VITCC. You could have cut and paste from there and created your information booklet”.

**Member Sweeney** said “perhaps Director Benjamin feels he reports to the Governor as mentioned by Member Georges.

**Director Benjamin** immediately said, “I know I report to the Board and not the Governor, there is a Board”.

**Lloyd** then spoke about a letter dated 11/2020 from OMB which referenced a General Fund ceiling. She then asked Benjamin where VITCC funds come from and where is it expended from. Benjamin responded that it came from General Fund and the Taxi License Fund. Lloyd stated no. She said, “VITCC generates its own money and collects and expends from the Taxi License Fund. At times we may get an appropriation, but our money comes from Taxi License Fund”.

Lloyd then moved on to Budget preparation. She stated that the Board received the Budget from him (Benjamin) after it was released to OMB and the Senate). Her question was, “Why are the names of the Officers that were illegally hired (Wesselhoft and Warren) along with Judith Wheatley and Aubrey Bridgewater names listed in the salary spreadsheet?” Benjamin said that the Department of Finance told him that they gave Wheatley and Bridgewater lumpsum checks so that’s why they are showing up but they are removed already. He continued by saying that Wesselhoft and Warren paperwork are also in to be removed as well.

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**Secretary George** asked, for clarification, what about the paperwork for the 2 Officers? Benjamin stated their paperwork was in to have them removed as well.

Lloyd also wanted to know why Enforcement Chief Estrill and Deputy Chief Brooks have not been converted to vacant positions. They have been gone from the Agency for quite a while. Benjamin’s response was, “they are vacant”.

**Lloyd** then stated that “VITCC will be reorganizing in the not-too-distant future, and it is important that the Director properly communicate with the Board. The Board is here if you need assistance but if you don’t ask, we do not interfere. It is obvious, however that you need help. Our hands were tied because you sent us the Budget after you had already released it to the Senate. Please, do not send the Budget to the Senate before sending it to the Board. It is showing that the Budget is still $830,840.00. Director Benjamin, how do you travel between St. Thomas and St. Croix? Do you use your own money or is there a line item for travel”?

**Benjamin** stated there is a line item for the Budget.

**Lloyd** continued in her questioning of the Director by asking him what efforts were being done to increase and/introduce new Revenues. She stated there were none seen on his monthly report which reflected as June 2021, but was actually the May 2021 report. Benjamin responded by saying that when things get back to normal after Covid 19, he planned on raising the existing fees. Lloyd again mentioned that she was not pleased with the monthly reports Director Benjamin turned in to the Board. She noted they were very poor and lacked information. She mentioned that Executive Assistant Eulatemae Joseph continued to list that “fees vary” rather and providing a fee structure or schedule which the Board can understand and be guided by. Lloyd said she needed to understand the true picture of fees being charged at VITCC territorially. She told him she has a serious problem with his reporting and the lack of a fee schedule and that he needs to have one prepared.

**Secretary George** asked the Director where he was with the Tariff and he stated that he submitted St. Thomas, St. John and St. Croix two months ago. Secretary George then told him as was previously mentioned to him, that those tariffs were

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recommendations from the various Taxi Associations and from that information he needed to prepare a Tariff for each island as his recommendation and present it for discussion/approval from the Board. Benjamin apologized and said he did not understand that so now he will get that done. **Vice Chair Wattley** asked him to provide a time frame for completion of the Tariff and rather than accepting Monday as his time frame, **Member Georges** said Director Benjamin needed at least a week to work on making the adjustments to produce a Tariff for each island and then present it to the Board. That time frame was accepted.

**Lloyd** told Director Benjamin to be sure that Executive Assistant Eulatemae Joseph attends the Budget Hearing scheduled for July 14th. She needs to be prepared. This is a directive. **Member Georges** stated that he can guarantee that July 14th would be a sick day for Ms. Joseph. **Secretary George** asked Benjamin if Ms. Joseph was aware that she needs to be present at the Budget Hearing. **Benjamin** responded that he has not told her she needs to be present yet.

**Chairperson Lloyd** continued her questioning and mentioned that #7 on her list is referencing 508-2020 and thus she asked him how he plans to sustain the recent raises that 508-2020 mandated. Director Benjamin noted at this point that the Budget is now at $1,000,027.00 (this was never clarified if he made an error in how he called the numbers) and that OMB stated that the Governor would send appropriations to the Senate to assist with the continuation of the salaries. Lloyd warned that there was no surety the appropriation will be approved. No surety it would be allotted.

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**Vice Chair Wattley** asked whether employees were covered under 508-2020 and Lloyd said, “yes, they got the raises”. Wattley then recommended that the Board write the Governor’s Team to be sure we should have been included in this action. She recommended that the Board get it in writing that we are included. **Member Georges** stated that the employees were covered based on the Executive Order but that Director Benjamin should have advised the Board based on when he became aware of it. This discussion should have happened then, not now but again, there is lack of communication from Director Benjamin.

**Lloyd** moved on to another area. She stated that she called and wrote to Director Benjamin concerning the duplicate payments made to Board Members. She stated she told him to call the Dept of Finance and speak with the Treasury Director and ask if the checks can be cashed or deposited but again there was no response from Benjamin. Some Board members stated they did not get their checks but Lloyd and Georges both received duplicate checks. Benjamin then said Lloyd asked him to run a financial report on the checks and that he did and he stated he emailed the results to her and Member Georges. Georges asked if the checks were ok to deposit and Benjamin said he sent him a copy of the ERP Printout. George said he is tired of the questioning and not getting answers, he will deposit his check.

Lloyd moved on to the automobiles for hire. She noted that VITCC had two (2) meetings with the stakeholders for automobiles for hire. One with the Taxi Associations and the other included the public. We need an update on this please. Benjamin stated that all went well at the meetings but there was an objection of the 25 seat Safari vehicles being limited to 20 seats going forward but that he needs to come back to the Board with additional information on this.

Lloyd then asked him about payments for Board Members for April and May 2021. She stated that she sent him the Invoices and he was to return receipt signed that he had received the invoices and advise when he had sent them in for payment. She heard nothing back from him and did not get the return receipt from him. He stated he would double check on that, but he thought he already sent it to her via email. He also stated that he sent all payment to Finance to be processed already.

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**Member Georges** returned and asked Benjamin what governed him at VITCC and again told him to stop using 259. He said, “get rid of it. This is the 4th time I am telling you this. Your Executive Assistant Ms. Joseph is fully aware of this, and she is not doing anything to help you. As a matter of fact, she is causing you to fail at your job. She mentioned to me that whatever you tell her to do, wrong or right, she will do it because you are the Boss. Mr. Benjamin, it does not work like that. She should be there to help you but instead she is hurting you”. **Lloyd interjected**, “Mr. Benjamin, how many times have your Assistant been on sick leave since you have been the Director? How is she assisting you?” By the close of business on Monday, June 18th you need to respond to all that we have discussed here, except for the Tariff, as all of this was asked of you several times and should all be at your disposal. This list is again being sent to you today, June 15th. Secretary George has sent it to you again, and you have acknowledged receipt. We have too many unanswered questions and unresolved issues. Was there ever a request from the IG Office given to you in writing for the Taxi files of 10 Drivers? Benjamin stated he sent the copies of the request from the IG. He said he would send it to her again. She wanted to be sure he understood that she was asking for the written request and the acknowledgment of receipt signed by the IG’s Office. She also told him that he was to give a copy of the files, not the original files as she had previously instructed him. She also chided him for not alerting the Board of this request when it took place.

**Lloyd** asked Director Benjamin if there are any outstanding obligations in the Budget and he said yes, the Lease. He stated that Dept of Finance said they needed a signed Lease and that he has been in constant communication with Ms. Hodge at Property and Procurement, but he has not been given a Lease yet. He did,

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however, give Finance the justification letter and he is continuing to work with Ms. Hodge. Lloyd asked if he has discussed the rent going forward. She noted that it was discovered that during Director Sarauw, no rent was paid so the Agency is in deep arrears. Benjamin said he was verbally told that the rent will remain at $1000.00 per month. She also asked him who signed off on the Budget and he said he did. Lloyd told him again that the Budget must first be seen by the Board and then she as the Chairperson or then the Vice Chair must sign off on the Budget after any corrections, etc., are made and then it is sent to OMB, not before.

**Secretary George** asked if employee Tanya Paul was reporting to work or is she on leave with the National Guard. Benjamin stated she is still on leave until September 3, 2021. He stated that she has been out on NG leave from April 2020 through the present, June, 2021. George asked if she was currently being paid by VITCC and he said yes. She asked, have you been paying her all this time? He said, yes, once she is on military duty, yes. George told him that Title 23: Section 1524 states otherwise and Chairperson Lloyd read that Section into the record. Benjamin took note of the Title and Section and said he would read up on it. George stated if she understood it correctly, Ms. Paul has been erroneously paid by VITCC and we need to recoup these monies. She is being paid by the National Guard and by VITCC and it is way beyond 30 days. Chairperson Lloyd told Benjamin to investigate this immediately and see what exactly VITCC has been doing in terms of paying Ms. Paul and what time frame has Ms. Paul been out on leave with the National Guard. Member Sweeney noted that this situation has been spoken about in the media in the past and that criminal charges can be levied for these types of activities. Lloyd stated that she checked with Finance and was told that Executive Assistant Joseph is fully aware that Ms. Paul should not have been paid as Joseph is the one that is processing the payroll.

**Lloyd** stated that Section 20:495a deals with parking area for taxis in Charlotte Amalie on tourist days and she asked Benjamin to educate himself in this area and act according to the law.

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**Member Sweeney** stated that he does not know if he should sympathize with Benjamin or to be upset by his inactions. Through the Chair, I would like to ask him if he is happy with the job. Benjamin stated, no comment. Sweeny then asked if he thought the Board was acting unfair and again Benjamin said, no comment. Member Sweeney said, “Madam Chair, there is constant sidestepping of the simplest task. He recognizes the Board but does not carry out the Board’s mandates and there must be a reason for that. He already confirmed that the Board is his Boss but from where I stand, he is just blank.”

Lloyd told Director Benjamin to please pay Feb and March Board Member stipends and to also reimburse payment to retired Deputy Chief Laurie Hodge-Brooks as she travelled from St. Croix to St. Thomas to help with payroll and the ERP when there was no Director. This happened since 2020 and this payment is overdue to Mrs. Brooks. Benjamin stated he already submitted all of those invoices to Mrs. Lindo at Finance and there is nothing more for VITCC to do in order for them to be paid. Lloyd stated that she had covered enough ground for the day and that she was a bit tired after this 3-hour meeting. Vice Chair Wattley concurred and asked for the meeting to be adjourned. Chairperson Lloyd stated that she would continue on untouched topics at another meeting. Meeting was adjourned.

Respectfully submitted,

Myrna George

Secretary, VITCC