



# Investigation Report

Investigation into the issuance of bus and  
taxi licenses by the Ministry of TEATT

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*Conducted on the initiative of the Integrity Chamber*

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## Abbreviations

Abbreviation	Explanation
Ministry/TEATT	Ministry of Tourism, Economic Affairs, Traffic & Telecommunication
ETT/Policy	Directorate of Economy, Traffic, & Telecommunication
DEL	Department of Economic Licenses
PT licenses	Public Transportation Licenses
G (license)	Unregulated transport
T (license)	Tour

## 1 Introduction

This investigation report contains the findings of the investigation by the Integrity Chamber, conducted on its own initiative, into the issuance of bus and taxi licenses within the Ministry of Tourism, Economic Affairs, Traffic & Telecommunication [hereafter: 'Ministry of TEATT' or 'Administrative Body']. Various reports in the media, questions posed during Parliament meetings, and complaints submitted to the Ministry of TEATT concerning this subject, raised concerns of possible misconducts, or other integrity issues, in the process of issuing bus and/or taxi licenses.

The Ministry of TEATT is the only authority that can issue licenses for public transportation on Sint Maarten. The occurrence of misconducts or integrity issues within this process can therefore negatively impact society. The goal of the investigation is to determine whether the legislative framework was adhered to, and if a lack of compliance to the legislative framework has led to misconducts within the Ministry.

When conducting investigations into suspected misconducts, the Integrity Chamber focuses on identifying the structural shortcomings with regard to integrity in public administration. It is not about pinpointing individuals responsible for misconducts but determining the underlying causes or factors within the administrative body that could have led to it. In-depth and independent research is therefore essential.

## 2 Legal Basis

The basis for the investigation is Article 26 of the National Ordinance Integrity Chamber [hereafter: 'Ordinance']. This article provides the Integrity Chamber with the authorization to conduct investigations into suspected misconducts on its own initiative. Investigations must be concluded within a period of six (6) months, with the possibility of extending for an additional six (6) months.

The Integrity Chamber is authorized to gather information based on Article 29, paragraphs 1 and 3 of the Ordinance. The Administrative Body cooperated by providing written and verbal information for the investigation.

As a result of the investigation, based on Article 35 of the Ordinance, the Integrity Chamber can issue a (binding) advice to the Administrative Body within which the suspected misconduct has taken place.

## 3 Investigation

### 3.1 Scope

The focus of the investigation is the process surrounding the issuance of bus and taxi licenses in 2023. The scope of the investigation is therefore limited to the year 2023.

### 3.2 Investigation Methods

The findings in this investigation report are solely based on the information that was acquired while utilizing the research methods below:

- Collecting data via Open-Source Intelligence (OSINT) from various media and news outlets;
- Analysing documents, reports, and other records that were received from the Administrative Body;
- Conducting interviews with employees of the Administrative Body and other relevant stakeholders. In total, eleven interviews were conducted to obtain a broad perspective from different representatives and stakeholders of the Administrative Body, and;
- Reviewing the laws, regulations, procedures and other (internal) documents to determine the level of compliance with the legislative framework.

### 3.3 Investigation Questions

The investigation was initiated to determine if the legislative framework was adhered to, and if a lack of compliance to the legislative framework has led to misconducts during the issuance of bus and taxi licenses within the Ministry of TEATT. The following questions were formulated for the purpose of this investigation.

#### **Central question:**

Were bus and/or taxi licenses processed, granted, or denied, in compliance with the applicable legislative framework of the Government of Sint Maarten in 2023?

#### **Sub-questions:**

1. What is the applicable legislative framework for granting bus and taxi licenses?
2. Is there a possibility to deviate from the legislative framework? And if so, under what conditions?
3. Did the Administrative Body adhere to the applicable legislative framework?
4. Were there actions or omissions that could harm the functioning of Government or the public interest?
5. Are there integrity risks or challenges within the legislative framework?

Questions 1 and 2 provide a general description of the legislative framework. Questions 3 and 4 provide specific answers on the Administrative Body's compliance with the legislative framework and possible misconducts. Question 5 highlights the integrity risks and challenges.

### 3.4 Comments Administrative Body

This investigation was initiated on June 3, 2024. The draft investigation report was submitted to the Ministry of TEATT on January 28, 2025. Pursuant to Article 34, paragraph 1 and 2, the Ministry was given two (2) weeks to provide written comments to the draft report. The Ministry requested an

extension of this period and submitted comments on February 27, 2025. Based on the comments submitted, adjustments were made to the report where necessary.

The Ministry's comments can be found in Annex B.

## 4 General Findings

This chapter provides a brief explanation of the Ministry of TEATT and the departments/stakeholders relevant to the process of issuing public transportation licenses, and the general facts relevant to the investigation.

The Ministry of TEATT is responsible for the preparation and execution of legislation and regulations within the disciplines of tourism, economy, traffic, telecommunications, and statistics. Across these five (5) disciplines, the Ministry is responsible for a vast number of varying processes and procedures, such as, providing policies based on innovations within the various sectors, reviewing and providing advice for decisions to be taken, ensuring compliance with international regulations, reviewing and granting applications for various licenses/permits and inspections within the various sectors.

The departments involved in the process of advising on, and issuing public transportation licenses are:

- The Directorate of Economy, Traffic & Telecommunication (ETT/Policy): The tasks of the Directorate include establishing legislation and regulations on the issuance of licenses, etc., as well as supervising its implementation.
- The Department of Economic Licenses: The Department of Economic Licenses [hereafter: DEL] is responsible for ensuring the efficient processing and issuance of applications for permits and business and transportation licenses, among others. The final approval is the responsibility of the Minister.
- The Inspection Department: This department inspects public transportation vehicles after the issuance of licenses, and controls license holders to ensure adherence to the license conditions and the legislative framework. The department also confirms that license holders are permitted to receive a number plate.
- The Receiver's Office (Ministry of Finance): While not part of the Ministry of TEATT, the Receiver's Office is a part of the process as it provides license holders with a number plate, after checking whether the necessary documentation is in order, such as, license, insurance, inspection card, and confirmation letter from the Inspection Department.

In 2014 a Moratorium Policy was implemented for the issuance of public transportation licenses [hereafter: PT licenses]. The moratorium suspended the issuance of bus, taxi and tour (T) licenses.

In March 2023, the Department of ETT/Policy drafted an advice (ADV19177) with the goal of reviewing the established business moratoria. This advice was presented for approval with a revised list of the current moratoria along with recommended requirements and conditions. The advice was signed by the relevant department heads (DEL, Policy, & Inspection) and the Secretary General in April 2023. The advice was presented and discussed with the then Minister of TEATT. The Minister provided comments to this advice.

On July 3, 2023, a public announcement from the Ministry of TEATT was published in the newspaper. The announcement stated that a clean-up of the license database was taking place. It further requested license holders to pick up their unclaimed license plates at the Receiver's Office and to make amendments to their licenses based on current use. The announcement also informed license holders that licenses in violation with the stated conditions and criteria would be revoked, and that the moratorium on PT licenses would be replaced by 'caps', which would be largely based on the current total number of licenses that have been issued per license type.

In another public announcement published in the newspaper on August 25, 2023, G, T, taxi, and bus license holders were given the opportunity to request a switch of license e.g., bus to taxi, T to taxi, G to bus, etc.

In subsequent announcements, assistant drivers were informed that they could request their own taxi or bus license (September 8), that the new 'cap' system would be in effect as of September 27, 2023, and that the general public could now apply for a bus or taxi license (September 28). The announcement also stated that the approval of these licenses would depend on the 'cap' and whether the maximum had been reached.

Based on the public announcement, assistant drivers could request their own separate license on September 11, 2023. On the same day, the Policy Department (ETT) informed the Minister, that the moratorium on PT licenses was still in effect, and that it would first need to be adjusted or lifted prior to the issuance of any new licenses. ETT also provided additional criteria and conditions that could be utilized during this process as recommended in the advice of March 2023.

In September 2023, a new advice, initiated by the Department of ETT, was drafted with the subject: "*Adjustment of the Moratorium on Passengers Transportation (Public Transportation) Licenses*". The new advice (ADV 21382) [hereinafter: 'Advice'] derived from ADV 19177 (March 2023) and its goal to review the list of moratoria and adjust the moratorium on PT licenses. The Advice contained a five (5) step proposed plan of action with the purpose of cleaning-up of the current system. Along with the implementation of the new caps system, additional application requirements and conditions for the use of licenses were presented. The Advice was signed by the relevant department heads (DEL, Policy & Inspection) and by the Secretary General on September 25 & 26, 2023.

This Advice formed the basis for the revised "*Moratorium Policy on Public Transportation Licenses (updated September 27, 2023)*". This Moratorium Policy was published in the National Gazette on September 29, 2023 (hereafter also referred to as 'new Moratorium Policy').

From August to December 2023, persons requested, and were issued, new and amended G, T, bus and taxi licenses. This led to numerous public reports and discussions in the form of, reports on various media outlets, and the submission of a complaint and questions to the Ministry of TEATT by a group of disgruntled taxi drivers. Additionally, the Minister was invited to Parliament to discuss the issuing of bus and taxi licenses.

## 5 Answers to the Investigative Questions

In this chapter, the answers to the investigative questions will be presented. First the sub-questions will be answered, followed by the central question. The answers are based on the findings of the investigation, utilizing the investigation methods listed in paragraph 3.2.

### 5.1 Question 1: What is the applicable legislative framework for granting bus/taxi licenses?

The following legislative framework is applicable:

- National Ordinance on Public Transportation (in Dutch: "*Landsverordening inzake het Vervoer van personen met motorrijtuigen op de openbare weg tegen vergoeding*", AB 2013, GT no. 118 (*Geldende van 30-05-2015 t/m heden*). *Deze landsverordening kan worden aangehaald als "Landsverordening personenvervoer"*.

This ordinance regulates the conditions for licenses to be issued, denied and/or revoked, the type of license issued, the requirement of an advisory committee, rules pertaining to assistant drivers and tariffs, and non-compliance with the ordinance.

- National Decree Committee Public Transportation (in Dutch: "*Landbesluit, houdende Algemene Maatregelen, ter uitvoering van artikel 4, vijfde lid van de Landsverordening personenvervoer*", AB 2013, GT no. 110 (*Geldende van 10-10-2010 t/m heden*). *Dit landsbesluit kan worden aangehaald als "Landsbesluit commissie personenvervoer"*.

The national decree further outlines the rules on the establishment of the advisory committee as required in accordance with the (above-mentioned) ordinance, as well as the aspects to be considered in the advice that the committee provides to the Minister.

- National Decree on Public Transportation (in Dutch: "*Landbesluit, houdende Algemene Maatregelen, ter uitvoering van artikelen 5, tweede lid, 19 20, 21, 23 en 26 van de Landsverordening personenvervoer*", AB 2013, GT no. 112 (*Geldende van 10-10-2010 t/m heden*). *Dit landsbesluit kan worden aangehaald als "Landsbesluit personenvervoer"*.

The national decree regulates the requirements for license application, inspection of the vehicles, insurance, driver conditions (conduct, number of passengers, lost objects, need to transport passengers, condition of the vehicle, information for the passengers, and tariffs), duration of the license and the consequences of non-compliance.

- Public Transportation Policy Framework for St. Maarten, September 2014 (Department of Economy, Transportation & Telecommunication)

This policy provides guidelines to identify and address the needs of the public transportation sector, namely bus, taxi, tour and group operators, by creating an environment that fosters their development, and promotes professionalism in the transportation sector.

- Moratorium Policy on Public Transportation Licenses (published on February 18, 2014, and updated on May 1, 2019).

The policy restricts the issuance of new bus, taxi and T (tour) licenses to prevent market saturation and address outdated regulations.



- Moratorium Policy on Public Transportation Licenses (updated September 27, 2023, and published on September 29, 2023).

The policy informs the public about the granting, renewal and revoking of public transportation licenses, as well as the applicable general rules for existing and new public transportation license holders.

No further applicable laws and regulations were found. Additionally, no internal documents (written policies and procedures) regarding the process of applying for, and the issuance or denial of, bus and taxi licenses were received from the Ministry

## 5.2 Question 2: Is there a possibility to deviate from the legislative framework? And if so, under what conditions?

Article 9 of the National Ordinance on Public Transportation allows for the Ministers to deviate from the requirement in Article 6 that the permit holder must be the driver of the vehicle, in the cases referred to in Articles 13, paragraph 1, and 14, paragraph 2 (see annex A).

## 5.3 Question 3: Did the Administrative Body adhere to the applicable legislative framework?

This paragraph will focus on compliance to the legislative framework. Attention will first be placed on compliance to the 2014 moratorium, the transition process and implementation of the new moratorium in 2023, and lastly, the administrative process for the issuance of bus and taxi licenses. The Ministry's compliance to additional aspects of the legislative framework will also be presented.

### 5.3.1. Moratorium 2014

On February 18, 2014, a moratorium on bus, taxi, tours, unregulated vehicles and car rental licenses was issued. This moratorium was updated on May 1, 2019. The moratorium was based on Article 10, sub a, of the National Ordinance on Public Transportation. The article states that a license may be denied by motivated decision of the Minister if, in the opinion of the Minister, there is already a sustainable and reasonable supply of transportation needs by buses, taxis, touring cars and rental cars.

The Ministry made a public announcement on August 25, 2023, while the moratorium was still in place, that license holders would be given the opportunity to change their current license to another license, i.e., bus to taxi, at the Government Building on August 28, 2023, from 8:30 am to 12:00 pm. On September 8, 2023, another public announcement was made for assistant drivers. Assistant drivers were informed that they could request individual licenses on September 11, 2023, from 8:30 am to 12:00 pm. The announcement further contained the list of requirements, as well as the fact that this possibility would not be available after September 11, 2023.

The investigation revealed that:

1. The moratorium policy 2014 was not adhered to. Assistant taxi and bus drivers were allowed to request and were granted individual licenses while the moratorium suspending the issuance of licenses was still in place.

2. Staff of the Ministry of TEATT did not adhere to the published requirements. Applicants were permitted to request amendments and individual licenses outside of the provided deadlines. The investigation did not reveal any motivation for the acceptance of these late applications, nor was the general public informed about this possibility.
3. Many staff members, including relevant department heads, stated that they were not aware of the public announcement nor the Minister's decision to allow amendments on the specific dates, resulting in surprise when a line of applicants appeared at the Government building.

### **5.3.2. New Moratorium Policy**

On September 29, 2023, the Ministry published the Moratorium Policy on Public Transportation Licenses, which introduced a 'cap' system, replacing the existing moratorium. The policy provided guidelines concerning the issuance of, the renewal, and revoking of public transportation licenses, as well as the applicable general rules for existing and new public transportation license holders.

The Moratorium stated that the Minister aims to put corrective measures in place without compounding the current issues regarding the amount of license plates not being collected annually, the number of licenses not currently in use, and the current barriers which prevent those interested and actively engaged in the operations from obtaining their own licenses. The Moratorium was therefore adjusted to allow equal opportunity by ensuring that licenses can be issued, when they become available within the capped amounts.

The new policy included the possibility to obtain a new license, with preference given to license holders in the following order.

- a. Existing license holders wishing to change their current license to another license, e.g. bus to taxi, or G to bus;
- b. Existing help/ assistant drivers who wish to apply for their own license;
- c. Non-license holders wishing to obtain a (bus, taxi, T or G) license.

The policy also provided general rules pertaining to the issuance of various licenses, as well as the requirements for application, such as:

- Licenses will be (re-)issued with a validity of five (5) years, with renewal upon request of the license holder.
- Effective January 1, 2024, licenses will be automatically revoked if they have not been used for a period of 1 year.
- All licensed operators seeking to employ drivers or obtain a license for an assistant driver are required to establish their operations as a business. This also counts for existing license holders as of January 1, 2024.
- The Minister can assign specific routes to bus drivers.

The investigation revealed that:

1. The legislative framework gives the Minister the right to deny a public transportation license if there already is a sustainable and reasonable supply of various transportation needs (Article 10, sub a, of the National Ordinance on Public Transportation). The reasons provided by the Minister to lift the moratorium were insufficiently substantiated, and void of advice or figures which could support the reasons given.

2. The 'cap' implemented by the Ministry of TEATT is based on arbitrary figures. The 'cap' was determined by the number of (un)collected number plates assigned to PT licenses at the Receiver's Office. However, the annual number of plates purchased by the Receiver's Office is not based on the total amount of public transportation licences issued by the Ministry. The Receiver's Office does not have access to a database or overview of issued licenses.
3. The annual Terms of Reference prepared by the Receiver's Office for the purchasing of (number) plates is determined by the number of plates sold the previous year, increased with an additional amount in the event that more plates are required. These additional plates form a buffer to ensure that there are always sufficient number plates available for purchase.
4. In a public announcement of June 28, 2023, the Ministry stated that, *"An inventory of all uncollected number plates designated to public transportation license holders is currently being taken. This information will be used to automatically invalidate licenses that are not in compliance with the public transportation ordinance or, where necessary, adjust the number of allowed vehicles per license. (...)".* No evidence was found that this activity was carried out, nor that licenses were automatically invalidated.
5. There is no complete database or overview of issued PT licenses, and the assigned number plates. The process to clean-up the database was not executed as advised in 2023. Issued licenses are not shared within the Ministry. The department with the most complete overview is the Inspection Department. This Department established the use of a confirmation letter as a project in the past, which provided the Department with the name of the license holder, the license type and plate number in order to create a database. The use of the confirmation letter has however not been consistent over the years. Every stakeholder in this process utilizes their own registration system. None of these databases are complete or (properly) connected to each other.
6. Persons involved in the process of issuing licenses were not aware that a public announcement for non-license holders was published on September 28, 2023, and was therefore not aware of, nor prepared for, the number of applicants submitting requests.

### **5.3.3. Administrative process (submission, handling, decision & distribution)**

The processes and procedures pertaining to the issuance of bus and taxi licenses are not documented. Based on various interviews, the process and procedures were determined to be as follows.

1. Applicants submit the required documents and the proof of payment of the processing fee to counter B (hereafter: "DEL Front Office") at the Government Building. (The list of required documents may differ slightly based on the requested license or the age of the applicant.)
2. From DEL Front Office, the application is delivered to the Backoffice. A Senior License Advisor processes the request with two (2) possible results: (1) a positive advice with a draft license attached or (2) a negative advice with a denial letter attached.
3. The application and the advice are then sent to the Department Head of DEL.
4. The Department Head of DEL reviews the advice and then sends it to the Minister for approval and signing.
5. Based on the Minister's decision, the required document (signed license or denial letter) is returned to the Senior License Advisor for registration. After registration, it is to be prepared for issuance and is then sent to the DEL Front Office for issuance.
6. The applicant is contacted to pick up their license or denial letter. When the applicant arrives, the DEL Front Office employee stamps the license with an issue date.

The requirements for a Bus or Taxi license as stated in the new Moratorium Policy are:

1. Completed application form.
2. Completed questionnaire ("Inlichtingenstaat") from DEL.
3. Colored copy of applicant's passport or ID card and driver's license.
4. Statement from a General Practitioner that applicant is in good physical and mental health (for applicants over the age of 60).
5. Copy of the Income Tax return filed for the previous year.
6. Copy of a detailed Civil Registry form (not older than 6 months).

The investigation revealed that:

- Most of the application files were incomplete (the use of the application form and the questionnaire were inconsistent).
- The required tax document was not always present, and the type of tax document submitted was inconsistent. (Some applicants submitted their entire tax return, some only the first page, and others submitted a declaration letter from the tax department.)
- In the case of assistant drivers, their previous licenses were not always revoked.

Further aspects in the process which stood out are:

- Licenses were issued (or given to applicants) without license numbers, issue dates, and other discrepancies. License holders were asked by the Inspection Department to return to DEL to have these discrepancies corrected.
- There was no documented advice in the files whereon the Minister should base his decision-making.
- There was no indication in the file how the administrative process was conducted and verified, for example, a checklist or request for additional information from applicant.
- Several applicants with incomplete files were issued a license. There was no explanation provided to determine why incomplete files were approved.
- A number of assistant drivers or license holders that requested amendments or new licenses, had only recently been granted an assistant driver or G/T license.
- The administrative timeframe for the approval of some of the applications were very short, with many applications being approved within one (1) week. General analysis of the files provided a standard processing timeframe of two (2) to four (4) weeks.
- Several amendments and new applications were requested prior to the public being informed that it was possible to submit requests.
- Applicants were not informed when their request was denied. Denied requests received a 'pending' status with no further follow-up.
- Only one (1) person, a Senior License Advisor, was tasked with the processing of PT licenses. This advisor was also assigned the role of Acting Department Head. In the absence of the Department head, this resulted in a lack of checks and balances. In addition, although this was not officially their task, this Advisor also assisted at the Front Office when lines were long.
- This Advisor reported directly to the Minister, bypassing the Department Head of DEL.
- Contrary to the procedure, members of the Minister's cabinet were directly involved in the process:

- Several applications were submitted on behalf of the applicant by members of the Minister's cabinet.
- Members of the Minister's cabinet called the front desk, instructing them to accept applications outside of the allotted timeframe.
- Members of the Minister's cabinet informed persons that they would provide them with copies of the issued licenses, bypassing the standard process of issuance/distribution.
- The Minister and some members of his cabinet sat with the Senior License Advisor to discuss the PT licenses.

#### **5.3.4. Additional aspects in the legislative framework**

In this paragraph, the compliance to other provisions in the legislative framework will be discussed. The below text provides a summary of the relevant provisions. For the complete list of provisions, see Annex A.

##### **The Public Transportation Committee**

The legislative framework stipulates that a public transportation committee must be established, and that its members are appointed by the Minister. The provisions regulate that the Minister must obtain the advice of the committee on the granting, amendment, transfer, renewal or withdrawal of a license, as well as on other matters concerning public transportation, as desired. The committee may submit proposals to the Minister on its own initiative and provide advice on matters concerning public transportation (see Article 4, paragraph 4 in Annex A). The committee is also authorised to make proposals to the Minister regarding public transportation. In its advice, the committee considers the applicant's circumstances, driving ability, the frequency of the route to be driven, and the facts required for the proper implementation of the National Ordinance on Public Transportation.

The investigation revealed that:

- Based on an Executive Council decision dated December 17, 2009, the tasks of the Public Transportation Committee were temporarily reassigned until the relevant public transportation legislation was amended, establishing the Public Transportation Committee as a separate administrative and advisory body.
- According to the decision, the amended legislation should have been presented to the Executive Council within six (6) months. To date, the relevant legislation has not been amended.
- In 2014, the DEL department was tasked with the processing of PT licenses. However, the specific tasks mandated to the Public Transportation Committee are not reflected in the tasks mandated to the DEL Department according to the Organisational Decree of the Ministry of TEATT. Without the committee, important aspects, such as the suitability and quality of service of license holders or drivers are not advised on.

##### **Issuing Bus or Taxi Licenses**

The legislative framework stipulates that licenses should only be issued if the license holder will operate the vehicle, or if the operation of the bus or taxi will be their main source of income.

The investigation revealed that:

- This requirement is not part of the administrative checks.
- After the license is issued, there are no procedures for the inspection of, and compliance to, this

provision.

### **Denying Bus or Taxi Licenses**

Bus and taxi licenses can be denied if the Minister believes that there is already a sustainable and reasonable provision for the need for transportation or the applicant is already in possession of a license. License requests can also be refused by motivated decision of the Minister, based on the conditions in the provisions (see Articles 10 and 11 in Annex A).

The investigation revealed that:

- The conditions for denial are not fully incorporated in the administrative checks and can therefore not be sufficiently reviewed or verified.
- It could not be verified that licenses were revoked based on the conditions.
- The provisions in article 11 sub c '*violation of public order, safety or public acceptable morals*' is not defined. It is therefore unclear how this provision is applied.

### **Revoking licenses**

The license can be (temporarily) revoked if the license holder no longer meets the requirements of Article 6, has not used the license for more than six (6) months, or other criteria mentioned in Articles 14, 15 & 16 (see Annex A).

The investigation revealed that:

- The condition that the license would be revoked if it had not been used for six (6) months (Article 16, paragraph g), was used as a basis for the clean-up action. This action was not executed, and no revocation of licenses took place.
- Licenses issued prior to 2023 are valid for an unlimited timeframe. Due to licenses not being revoked prior to the issuance of new licenses, there is now the possibility of the oversaturation of the industry with PT licenses and the unavailability of number plates. It is possible that previously inactive license holders would like to become active once more. The reactivation of these licenses may be problematic if the license cap is reached by new and active licenses.

## **5.4 Question 4: Were there actions or omissions that could harm the functioning of Government or the public interest?**

The following actions and omissions were observed.

### **Non-compliance with legislative framework**

The legislative framework for the issuance of public transportation licenses makes provision for a public transportation committee. This committee has, amongst others, the task to advise the Minister on the issuance, amendment, transfer, renewal, or withdrawal of licenses, when requested or on own initiative. The committee is essential for ensuring that transportation licenses are issued responsibly and that public safety, community needs, and environmental concerns are adequately addressed, in a fair and consistent manner.

The tasks of this committee were temporarily reassigned in December 2009 in order to adjust the relevant legislation, establishing the committee as an administrative and advisory body. To date, the legislation has not been adjusted, and the committee is non-functional. While the task of processing

public transportation licenses has since been delegated to DEL, certain tasks of the committee are not reflected in the mandated tasks of DEL. Examples include determining the suitability and quality of service of public transportation license holders.

The Ministry is non-compliant with the legislative framework regarding this committee meant to minimize the occurrence and probability of misconduct in the issuance of public transportation licenses.

### **Misuse of authority**

The purpose of the legislative framework is to ensure the equal treatment for those to whom the law applies, and to clarify the tasks and responsibilities of the administrative body, internally, as well as to the public. The findings of the investigation determined that the legislative framework concerning the issuance of PT licenses was circumvented in an effort to achieve the specific goal of issuing bus and taxi licenses. The Minister's reasons for reviewing the public transportation licensing process, such as creating a better system, the cleaning-up of the database, and withdrawing unused licenses, were not executed and/or was not a priority.

### **Lack of responsibility**

Management (Secretary-General and the department heads) in the Ministry of TEATT disagreed with the decisions and directives of the Minister. However, there was a lack of documented correspondence, meetings, or advices from management (and/or other staff members) which expressed their concerns regarding the issuance of the licenses, indicated the involved risks, or countered potential misconduct. The findings of the investigation determined that Management was often not present during the publication of public announcements and the issuance of the licenses. It could not be determined what actions were taken to mitigate possible integrity risks (conflicts of interest or favouritism) upon their return, or whether elements such as, processing checklists or advice templates were introduced into the process to reduce these risks.

### **Political motivations**

The granting of bus and taxi licenses in Sint Maarten has always been politically sensitive and sensitive to integrity risks due to its economic power on the island. Taxi/bus licenses are seen as valuable assets with great earning potential. As Minister's exercise their discretionary authority when issuing or denying licenses, the issuing of licenses can be used as a political tool, ensuring political profitability for Ministers, and influence in society.

In this specific instance, the timing of the changes to the moratorium policy, a few months before elections led to questions regarding the motive of the Minister and speculation of vote-buying. The manner in which the decision was made by the Minister harmed the public's trust in the Ministry and Government.

## **5.5 Question 5: Are there integrity risks or challenges within the legislative framework?**

The following integrity risks and challenges were determined:

### **Lack of written processes and procedures**

The legislative system for the issuance of public transportation licenses as presented is limited and not sufficiently worked out in policies, procedures, processes, etc. The investigation revealed that



there are no written procedures pertaining to the processing of bus and taxi applications and licenses. The process is verbally explained to employees, which leaves room for error, misinformation, and misinterpretation. In the event of misconduct, (un)intentional misbehaviour or non-compliance by employees, there is no possibility to implement the necessary sanctions. Written processes and procedures ensure that employees are aware of their tasks and responsibilities, reduces integrity risks and the possibility of misconduct during the execution of the process.

### **Risks due to public interaction**

DEL is susceptible to integrity risks (conflicts of interest, favours for friends and family, the leaking of information, etc.) based on their tasks and their frequent contact with the public. This is due to a several factors, such as, (1) their frequent exposure to sensitive information or resources providing more opportunities for bribery or nepotism, (2) their decision-making authority or discretion which can be abused for personal gain, and (3) pressure from external or internal stakeholders which may influence employees to act unethically to meet demands or expectations. These factors, combined with the lack of checks and balances, creates even more opportunity for integrity risks and misconducts.

### **Lack of awareness of roles and responsibilities**

The investigation revealed that processes were not followed, that there was a lack of compliance to standard procedures, and a lack of awareness from the Minister and his cabinet on the legislative framework, as well as their roles and responsibilities in the Ministry. Awareness of assigned roles and responsibilities is crucial to ensure clear expectations and communication, reduced conflicts, risks and errors, and enhance compliance.

### **Lack of interdepartmental communication**

The investigation revealed a lack of communication between departments within the Ministry and other stakeholders. The investigation further revealed that there was a lack of trust, cooperation, and continuous friction between employees and management, management and the Minister, and a lack of communication from the Minister, specifically during the issuance of licenses. Sufficient communication within the Ministry is vital to reduce errors and improve decision-making, teamwork, company culture and public trust.

### **A lack of checks and balances**

In the Department of Economic Licenses (DEL), there is one (1) Senior License Advisor responsible for assessing the requests of PT (bus and taxi) licenses. This Advisor was also appointed (prior to the investigation period) as the acting head of the Department. During the investigation period, the Advisor also carried out the role of providing advice on the issuance or denial of licenses before submitting it to the Minister. During the announcement dates, this Advisor also assisted at the front desk in receiving license applications. The Advisor was therefore an integral part of every step in this process. Consequently, this eliminated the checks and balance system within the Ministry and increased the chances of mistakes being made. Integrity risks, such as favouritism or nepotism became a possibility.



### **Lack of (integrity) trainings/workshops**

The investigation revealed that there are no occurring integrity trainings/workshops within the Ministry of TEATT or the various departments.

The approval of licenses, whether business or transportation, is a process vulnerable to integrity risks and misconducts. Trainings and workshops that focus on the necessity and awareness of integrity in organisations where employees execute tasks susceptible to misconduct, are essential to understanding the parameters of acceptable and ethical behaviour. It allows for the promotion and improvement of integrity within the organisation, creates a positive work atmosphere regarding integrity, and decreases the occurrence of integrity risks and misconduct.

### **Execution discretionary authority**

The Minister has the authority to give directives to the Ministry. In 2023, this authority was applied by the Minister when the decision was made to issue PT licenses. The Minister also took actions (e.g., announcements, issuing licenses) without properly involving the relevant departments within the Ministry. While the discretionary authority of the Minister is necessary to effectively execute his role, a lack of guidelines can lead to integrity risks. Guidelines can ensure fairness and consistency in decision-making regardless of who is making the decision. It also promotes transparency and accountability and avoids potentially unfair treatment of individuals or situations. Despite this discretionary authority, it is necessary for the Minister to consider advices provided by the Ministry when making a decision, as well as sufficiently motivating deviating decisions.

### **Insufficient administrative controls**

The review of a license application is administrative (e.g., completeness of documents and adhering to the legislative framework). The licenses are approved or denied without an in-depth check into aspects such as favouritism, suitability of the driver or any other checks e.g., publicly acceptable morals, as stated in the legislative framework. The submitted documents are not scanned or inputted into the computer but are kept in a box. It is therefore possible to remove and add documents to the files at any time. There is no database or proper system in place to guide the process efficiently and effectively. Additionally, there are no internal audits conducted, or any other controls executed on the Department (DEL) and process of issuing licenses. The administrative recording (of historical) data is also limited. This makes the process susceptible to the abuse of authority, arbitrariness, and corruption.

## **5.6 Central question: State of Compliance**

**Were bus/taxi license processed, granted, or denied, in compliance with the applicable legislative framework of the Government of Sint Maarten in 2023?**

The investigation revealed that there was insufficient compliance by the Minister and the Ministry of TEATT, to the laws and regulations governing the process to grant or deny a bus or taxi licenses by the Ministry of TEATT.

Based on a comparison of the information provided (reports, documents, interviews), it was determined that the Ministry did not comply with the legislative framework pertaining to the submission and processing of applications, in the following ways:

- The Ministry did not comply with the previous moratorium (2014), as licenses were issued prior to the publication of the new Moratorium Policy (2023) on September 29, 2023.
- The PT licenses that did not meet required conditions were not revoked as stated in the public announcement of June 28, 2023.
- Applicants were permitted to request amendments and individual licenses prior to, and after, the provided date and time (August 28 & September 11, 2023).
- There were discrepancies in the physical files, such as incomplete files, and inconsistencies in use of application forms, questionnaires, and other documents and advices.
- The standard process for the issuing of bus/taxi licenses was not followed by the employees, the Minister or his cabinet.
- Licenses were issued or provided to applicant without license numbers, issue dates, and other discrepancies.
- Applicants whose requests were denied were given a 'pending' status without the appropriate or regulated follow-up.
- The standard process was circumvented by members of the Minister's cabinet, e.g., instructing the front desk to accept applications outside of the allotted timeframe and submitting applications on behalf of applicants.

## 6 Conclusion

The investigation was initiated to determine if the legislative framework was adhered to, and if a lack of compliance to the legislative framework has led to misconducts during the issuance of bus and taxi licenses within the Ministry of TEATT.

Based on an analysis of the legislative framework, including laws, regulations, policies, procedures, and other rules, and an analysis of the information and documentation received from the Ministry and through interviews, the investigation has concluded that there was a lack of compliance to the legislative framework with the issuance of bus and taxi licenses in 2023.

A lack of compliance can be seen throughout the process. Examples include, (1) licenses being issued prior to the publishing of the revised Moratorium Policy 2023, (2) licenses requested and granted outside of the imposed deadline, (3) application files not containing all of the required information, (4) files with issued licenses not containing the advice upon which the Minister based his decision, and (5) denied applications not given the proper follow-up.

The legislative framework is missing important elements, such as written processes and procedures and explanations for specific conditions mentioned in the law. This allows for a lack of clarity and a broad interpretation by the persons involved in the process. Moreover, due to the absence of a public transportation committee as required by law, the Minister does not obtain the required advice for decision-making pertaining to the issuance of public transportation licenses.

Furthermore, there was a severe lack of checks-and-balances within the process, facilitated by the hands-on involvement of the Minister and his cabinet. This was exacerbated by a lack of action and

documented resistance from Management (SG and department heads). The issuance of practically all licenses was advised on by one person, who reported directly to the Minister.

Additionally, some actions and decisions of the Minister led to internal and external questions about the project. The legislative framework gives the Minister the right to deny a public transportation license if there already is a sustainable and reasonable supply of various transportation needs (buses, taxis, touring cars and rental cars). On this basis, the Moratorium Policy 2014 was implemented. When the Moratorium Policy was revised in 2023, allowing new PT licenses to be issued, no advice, reports, or data was found upon which the Minister based his reasoning, or that supported the decision to lift the moratorium.

The Moratorium Policy 2023 introduced a cap system based on the current total number of licenses that have been issued per license type. This number was not based on information from the Department of DEL that issues licenses, but on the amount of uncollected number plates at the Receiver's Office. The Receiver's Office does not have access to the number of issued licenses by the Ministry of TEATT and uses estimates, based on the previous year, to determine how many number plates to order. The number of uncollected license plates is therefore not an indication of unused licenses or inactive license holders.

The lack of verified data, the timespan in which the decision was made, the use of arbitrary figures, the lack of involvement from internal departments, the proximity to the January 2024 elections, and more, led to questions about the motive for the project and the perception of political motivations.

Management took insufficient action to voice or document their concerns and counter actions that could lead to misconducts. Additionally, no actions were taken to mitigate possible integrity risks such as conflicts of interest or favouritism.

All of the above led to an environment that facilitated the occurrence of misconducts. While the investigation did not provide sufficient evidence of deliberate occurrences of misconducts such as, fraud, favouritism, bribery, or vote-buying, the lack of checks-and-balances and administrative controls makes it likely that these misconducts, and others, occurred. Ultimately, harming the public's trust in the Ministry and in Government.

## 7 Advice

The Integrity Chamber advises the following to improve compliance to integrity-related rules and procedures within the Ministry of TEATT.

### **Review legislative framework**

The existing legislative framework of TEATT is insufficient to prevent integrity risks and misconducts and to provide the necessary guidance for persons involved within the bus and taxi license process of the Ministry of TEATT. The legislative framework should be reviewed to ensure its completeness. During this review, key provisions should be identified related to licensing requirements and operational regulations. Additionally, compliance to the legislative framework should be assessed by determining whether the existing legislative framework effectively addresses current challenges and evolving industry practices, identifying gaps or inconsistencies in the law, and analysing the impact of the legislation on the public transportation industry and the community.

It is advised that the legislation regarding the operation and composition of the public transportation committee be reviewed, ensuring the operation of the committee in an objective, fair and consistent manner, ensuring public safety and a positive impact on the community. If the committee is not reinstated, the applicable legislation must be adjusted to reflect that the organisation has been mandated to execute the tasks of the public transportation committee. The specific tasks of the committee, such as determining suitability and the quality of service, should then be made a part of the procedure.

The results of this review should lead to the amendment of the legislative framework where necessary, ensuring clarity, consistency, equity, and fairness. This review should also include an integrity risk assessment.

### **Document processes and procedures regarding the issuance of PT licenses**

Based on an integrity risk assessment, a review of the current policies, and consultation with the relevant stakeholders, the necessary procedures and processes pertaining to the issuance of PT licenses should be improved. These procedures and processes should clearly outline the roles and responsibilities in the licensing process, they should clearly define who has the authority to make decisions, approve applications, and issue licenses, and they should ensure that tasks are delegated appropriately and efficiently. Subsequently, these procedures and processes should be documented and distributed among the relevant stakeholders. The procedures and processes should also include practices to combat administrative misconducts using measures such as, document checklists, advice templates, or the four-eye principle. Misconducts with a higher risk of occurring include, conflicts of interests, misuse of authority, favouritism, etc.

### **Provide relevant stakeholders with (integrity) trainings/workshops**

Internal stakeholders should be provided with trainings/workshops pertaining to the execution of this task, the roles and responsibilities of each stakeholder and the integrity risks and misconducts that can occur during the issuance of PT licenses.

The trainings should emphasize ethical decision-making, integrity awareness, compliance to the relevant policies and should facilitate discussions on the challenges and ethical dilemmas of the various stakeholder groups during the execution of their tasks.

After the trainings/workshops, periodic reminders should be sent out about key integrity principles discussed in the trainings and employees should be continually encouraged to raise concerns concerning non-compliance. Employees should also receive refresher training regularly.

### **Improve communication and cooperation between departments**

Improving communication and cooperation between the departments of TEATT is crucial to ensure the efficient and effective execution of Ministry tasks.

Ministry management should ensure open channels of communication between the different departments by organizing regular interdepartmental meetings and encouraging open and honest feedback between departments. Additionally, information sharing between the various departments can be improved by developing secure and accessible databases for sharing data and information across the departments and establishing clear protocols concerning the sharing of sensitive and classified information. Lastly, the Ministry can improve communication and cooperation between the departments by promoting a culture of collaboration, recognizing, and rewarding successful interdepartmental collaboration and establishing clear procedures for resolving interdepartmental conflicts constructively.

It is important that adequate resources be allocated to support interdepartmental communication and collaboration initiatives, that there is a regular evaluation of the effectiveness of interdepartmental collaboration efforts, and that the necessary adjustments are made.

### **Establish guidelines relating to discretionary authority**

Establishing clear guidelines regarding the use of discretionary authority, or any (mandated) decision-making power, minimizing the possibility that decisions are made based on political or personal motivations, is crucial for maintaining fairness, transparency, and public trust.

The guidelines should include:

- The use of discretionary authority: (1) where and when discretionary powers exist and should be applied, (2) the scope and boundaries of these powers, and (3) clear documentation of decisions made using discretionary authority, explaining the rationale and factors considered.
- Objective decision-making criteria: documented requirements, factors, conditions, and criteria which play a role in the issuance of public transportation licenses, and any process requiring the use of discretionary authority.
- Internal and external controls: (1) regular audits to ensure compliance with guidelines and identify any potential biases, (2) clear mechanisms for individuals or groups to appeal decisions made using discretionary authority, and (3) where possible, making decisions and their rationale transparent to the public.
- Training: (1) training to all individuals with discretionary authority on the guidelines, the ethical considerations and potential biases, and (2) the regular update of training materials and provision of refresher courses to ensure continued awareness.
- Complaint procedure: ensure the establishment of a complaint procedure which allows employees to (anonymously) raise concerns about violations of the guidelines or perceived integrity risks and misconducts.

The guidelines should be regularly reviewed and updated to address potential loopholes or areas where political influence could creep in, and a strong ethical culture that emphasizes objectivity, fairness, and public service, should be fostered within the Ministry, from the top down.

By implementing these strategies, the Ministry of TEATT can establish a framework for the use of discretionary authority that minimizes political motivations and promotes fair, equitable, and transparent decision-making.

## **Annex A**

## List of Provisions Regulating Public Transportation

### Provisions regarding deviations in the National Ordinance on Public Transportation

#### Artikel 9

In de gevallen, bedoeld in de artikelen 13, eerste lid, en 14, tweede lid, kan de minister afwijken van het bepaalde in artikel 6, voor zoveel betreft de eis, dat de vergunninghouder zelf als bestuurder van het motorrijtuig moet optreden.

#### Artikel 13

1. Ingeval van overlijden van de vergunninghouder kan de minister de vergunning, indien deze noodzakelijk is voor het levensonderhoud van het gezin, waarvoor de vergunninghouder kostwinner of mede-kostwinner was, op een daartoe strekkend verzoek overschrijven op naam van een lid van het gezin.
2. Bij de overschrijving kunnen aan de vergunning andere of aanvullende voorwaarden worden verbonden.

#### Artikel 14

1. De vergunning vervalt van rechtswege:
  - a. bij het overlijden van de vergunninghouder, behoudens het bepaalde in het tweede lid;
  - b. indien de vergunninghouder niet meer voldoet aan de in artikel 6 gestelde eisen;
  - c. indien de vergunninghouder niet meer zijn feitelijke woonplaats in Sint Maarten heeft.
2. In het geval, bedoeld in het eerste lid onder a, kan de minister de vergunning op een daartoe strekkend verzoek nog gedurende ten hoogste drie maanden ten behoeve van een of meer leden van het gezin, waarvoor de vergunninghouderkostwinner of medekostwinner was, van kracht doen blijven.

### Provisions regulating the use of a Public Transportation Committee in the National Ordinance on Public Transportation.

#### Artikel 4

1. Er is een commissie van advies voor de uitvoering van deze landsverordening. Zij draagt de naam Commissie Openbaar Personenvervoer.
2. De commissie bestaat uit tenminste zeven en ten hoogste negen leden, waaronder de voorzitter. Zij worden bij landsbesluit benoemd, geschorst en ontslagen. Aan de commissie wordt door de minister een secretaris toegevoegd.
3. Twee leden der commissie vertegenwoordigen de houders van vergunningen of organisaties van dezen.
4. De minister wint het advies van de commissie in ten aanzien van de verlening, wijziging, overschrijving, vernieuwing of intrekking van een vergunning, alsmede in andere aangelegenheden, het personenvervoer met motorrijtuigenbetreffende, waarin het dit wenselijk acht. De commissie kan de minister eigener beweging voorstellen doen en van advies dienen in zaken het personenvervoer met motorrijtuigen betreffende.



5. De taak en werkwijze van de commissie worden verder geregeld bij landsbesluit, houdende algemene maatregelen.
6. De minister zendt binnen zeven dagen na ontvangst elk, ingevolge deze verordening of krachtens deze verordening uitgevaardigde landsbesluit, houdende algemene maatregelen, ingediend verzoek voor advies aan de commissie. De commissie is verplicht binnen zeven dagen na ontvangst daarvan haar advies ter zake aan de minister uit te brengen. Bij gebreke van dien zal de minister tot het nemen van haar beslissing ter zake overgaan, met vermelding dat het advies van de commissie niet tijdig is ontvangen.
7. De minister is gehouden om binnen 10 dagen na ontvangst van het advies van de commissie, dan wel na verloop van voormelde aan de commissie gegeven termijn waarbinnen te adviseren, een beslissing te nemen.

## **Artikel 5**

1. De aanvraag om een vergunning geschiedt schriftelijk bij de minister en bevat tenminste de navolgende gegevens:
  - a. naam en voornaam(en), geboortedatum, geboorteplaats, adres en nationaliteit van de aanvrager;
  - b. ingeval de aanvrager een rechtspersoon is: de juridische vorm, naam en zetel van de rechtspersoon, geboortedata, geboorteplaatsen, adressen en nationaliteit van de bestuursleden;
  - c. een opgave van het (de) motorrijtuig(en), waarover de aanvrager beschikt of denkt te kunnen beschikken, ondervermelding van het aantal personen, voor het vervoer waarvan dit (deze) is (zijn) ingericht;
  - d. welke vergunning de aanvrager wenst.
2. Bij landsbesluit, houdende algemene maatregelen, kunnen nadere regels worden gesteld betreffende de wijze van aanvragen van vergunningen.

De aanvrager is gehouden alle door de minister en de commissie gewenste inlichtingen volledig en naar waarheid te verstrekken.

## **Provision regulating the utilized considerations of the Public Transportation Committee in the National Decree on committee on Public Transportation.**

## **Artikel 9**

De commissie houdt met haar advies in het bijzonder rekening met:

- a. de hoedanigheid van de aanvrager;
- b. de rijvaardigheid van de aanvrager;
- c. de frequentie van de te rijden route; en
- d. de feitelijkeheden, die nodig zijn voor een goede uitvoering van de Landsverordening personenvervoer.

## **Provision regulating the granting of Bus or Taxi Licenses in the National Ordinance on Public Transportation.**

### **Artikel 6**

Een vergunning tot het exploiteren van een autobus of taxi als bedoeld in artikel 3, tweede lid, sub a en c, wordt slechts verleend, indien de vergunninghouder zelf als bestuurder van de autobus of huurauto zal optreden of de exploitatie van de autobus of taxi voor hem het hoofdmiddel van bestaan zal zijn.

### **Artikel 13**

1. Ingeval van overlijden van de vergunninghouder kan de minister de vergunning, indien deze noodzakelijk is voor het levensonderhoud van het gezin, waarvoor de vergunninghouder kostwinner of mede-kostwinner was, op een daartoe strekkend verzoek overschrijven op naam van een lid van het gezin.

Bij de overschrijving kunnen aan de vergunning andere of aanvullende voorwaarden worden verbonden.

## **Provisions regulating the denial of Bus or Taxi Licenses in the National Ordinance on Public Transportation.**

### **Artikel 10**

De vergunning kan bij met redenen omkleed besluit van de minister worden geweigerd:

- a. indien naar het oordeel van de minister reeds een duurzame en redelijke voorziening in de behoefte aan vervoer met autobussen, taxi's, toerwagens en verhuurauto's bestaat;
- b. indien het betreft een aanvraag voor een autobus of taxi, de aanvrager reeds houder is van een vergunning.

### **Artikel 11**

De vergunning wordt bij met redenen omkleed besluit van de minister geweigerd:

- a. indien de aanvrager niet gedurende de laatste 2 jaren zijn feitelijke woonplaats in Sint Maarten heeft gehad, tenzij de aanvrager de Nederlandse nationaliteit bezit;
- b. indien de aanvrager niet bereid blijkt om de gewenste inlichtingen volledig en naar waarheid te verstrekken, dan wel inlichtingen betrekking hebbend op de aanvraag valselyk verstrekt;
- c. indien de minister gegronde redenen heeft om te verwachten dat van de vergunning gebruik zal worden gemaakt in strijd met de openbare orde, veiligheid of goede zeden;
- d. onverminderd het bepaalde onder a, b en c wordt, voor wat betreft autobussen en taxi's een vergunning geweigerd, indien de aanvrager niet voldoet aan de eisen gesteld in artikel 6;
- e. indien de aanvrager de leeftijd van 21 jaren nog niet heeft bereikt.

## **Provisions regulating the (temporary) revocation of licenses in the National Ordinance on Public Transportation.**

### **Artikel 14**

1. De vergunning vervalt van rechtswege:

- a. bij het overlijden van de vergunninghouder, behoudens het bepaalde in het tweede lid;
- b. indien de vergunninghouder niet meer voldoet aan de in artikel 6 gestelde eisen;
- c. indien de vergunninghouder niet meer zijn feitelijke woonplaats in Sint Maarten heeft.

2. In het geval, bedoeld in het eerste lid onder a, kan de minister de vergunning op een daartoe strekkend verzoek nog gedurende ten hoogste drie maanden ten behoeve van een of meer leden van het gezin, waarvoor de vergunninghouderkostwinner of medekostwinner was, van kracht doen blijven.

### **Artikel 15**

De vergunning kan op verzoek van de vergunninghouder door de minister worden ingetrokken.

### **Artikel 16**

De vergunning kan bij met redenen omkleed besluit van de minister blijvend of voor een in dat besluit te bepalen termijn worden ingetrokken:

- a. indien de vergunninghouder bij het aanvragen van de vergunning de van hem gevraagde inlichtingen opzettelijk niet naar waarheid heeft verstrekt;
- b. indien de vergunninghouder niet heeft voldaan aan de bij het landsbesluit, houdende algemene maatregelen, vastgestelde voorschriften met betrekking tot verzekering voor aansprakelijkheid jegens vervoerde personen en derden;
- c. indien de rijvergunning van de vergunninghouder ingevolge het bepaalde in artikel 30 is vervallen;
- d. zo het betreft een autobusvergunning of een taxivergunning, indien niet meer aan de in artikel 6 omschreven eisen wordt voldaan;
- e. zo het betreft een autobusvergunning of een taxivergunning, indien de vergunninghouder niet meer voldoet aan de eisen gesteld in artikel 27;
- f. indien de vergunninghouder vervoert of doet vervoeren, handelt of doet handelen in strijd met de hem verleende vergunning, de daarin gestelde voorwaarden en bepalingen of de bij of krachtens deze landsverordening gestelderegelen;
- g. indien de vergunninghouder naar het oordeel van de minister langer dan zes maanden van de vergunning geen gebruik heeft gemaakt;
- h. indien de vergunninghouder zich heeft schuldig gemaakt aan een strafbaar feit op grond waarvan hem de bevoegdheid motorrijtuigen te besturen is ontzegd of kan worden ontzegd.

## **Annex B**



**MINISTER OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC  
AND TELECOMMUNICATION**

Minister van Toerisme, Economische Zaken, Verkeer, en  
Telecommunicatie

*DIV-nr: 27786/25*

Philipsburg, February 26<sup>th</sup>, 2025

**To:** Ms. C. B. Pomier, Director of the Integrity Chamber

**Ref:** Comments pertaining to draft Integrity Chamber investigation report into the state of compliance to the legislative framework on the issuance of bus and taxi licenses by the Ministry of TEATT

Dear Ms. Pomier,

Thank you for the opportunity to review and discuss internally the findings of the draft report as presented. The Ministry has the following observations and comments for your consideration, clarification, and correction where required. We kindly ask that your team goes through the points listed below and reach out to the Department of Economic Licenses should you require further clarification.

**A. Paragraph 5.3.3 Administrative process (submission, ...)**

**1. First paragraph**

Ref. 1:

Counter B is Front office of DEL

Ref. 2:

- The application has already been submitted to DEL and is subsequently delivered to the Backoffice.
- There is no 'Senior Public Transportation License Advisor', the function that is being referred to is the Senior License Officer.
- two (2) possible results (1) .... or (2)....

Ref. 5:

After registration, it is to be prepared for issuance and then goes to counter B (the Front Office) for issuance





## 2. Fourth paragraph

Ref. 9<sup>th</sup> bullet point:

While the point that is addressed is clear, the wording of the text may lead one to assume or conclude, that one individual was assigned to PT license processing by the organization. This needs to be clarified and corrected. The sr. license officer was tasked by management with one additional role being that of acting department head. The individual was furthermore tasked with/assigned to the processing of PT licenses by the former Minister and assisted the Front Office of her own accord. It is suggested to clarify this in the text.

### B. Paragraph 5.3.4. Additional aspects in the legislative framework

The report mentions that there is no motivation or otherwise documented explanatory information that justifies the deviation from the stipulation of having a committee.

It is noted that, based on an Executive Council decision before 10.10.10, the tasks of the PT committee were temporarily re-assigned and the processing of PT licenses was to be executed by the organization, albeit in another format than was done in 2023-2024. The Exco decision is attached.

### C. Paragraph 5.4

- Non-compliance with legislative framework: reference is made to our previous comment under B.
- Misuse of authority: it is observed that no mention is made of whose behavior demonstrates that the legislative framework was misused. Please clarify this.
- Lack of responsibility: while many conversations were held with both the former minister (about proper procedure having to be followed) as well as with the sr. license officer (about proper procedure and mainly about integrity), we acknowledge that this was insufficiently documented. The wording of the text in this paragraph, specifically the statement that the management was often not present without mentioning that this absence was justified, plus mentioning that management "relinquished" responsibility, paints an incorrect picture of the situation at the time. At no time was responsibility "relinquished". It is suggested to adjust the wording so that it is factual and not based on incorrect assumption or conclusion. This applies equally to paragraph 6, the conclusion, in which it states "often forgoing their responsibility". This implies that management purposefully refused to take action, which is an incorrect implication and thus not factual. It is therefore suggested to rephrase the wording.





#### **D. Paragraphs 6 + 7: Conclusions + Advice**

We have taken note of the conclusion of the investigation and, with the exception of the previously made comment with reference to management forgoing its responsibility, have no further comments related to the conclusion other than that, the draft report from the Ministry's perspective, puts insufficient emphasis on the fact that the Minister blatantly ignored/by-passed management on all levels. Finally, with reference to the conclusion, it must be noted that it is not taken lightly.

In fact, the Ministry has already initiated steps to improve compliance to the PT ordinance and related processes and procedures. With the re-introduction of the confirmation letters, we are updating our PT registration system and are working towards creating a centralized digital PT registry that can and will be used across the Ministry. This will also assist us in cleaning-up the existing database and revoking any unused licenses, as well as licenses that may currently be misused.

The PT licensing experience of 2023 – 2024 has indeed proven that inter-departmental communication and collaboration must be improved and your advice as offered in the draft report will be taken along in this trajectory.

Note is taken of the Integrity Chamber's advice to review the legislative framework and policies, and to properly document procedures and processes. This too, has our attention.

The Ministry will reach out to you to assist with integrity training, not only in relation to the processing of PT licenses but related to our work in general. This has already been discussed as part of our 2025 activities last year.

The Ministry especially appreciates the advice on how to safeguard that discretionary authority is not misused. While the paragraph on establishing clear guidelines for such is clear, the Ministry would appreciate a discussion with the Integrity Chamber to delve into this a bit further and your assistance in establishing these guidelines in the future.

02/26/2025 05:57:16 pm

G. Heyliger-Marten,  
Minister of Tourism, Economic Affairs,  
Traffic and Telecommunication



