
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY DEPUTY M.B. ANDREWS OF ST. HELIER NORTH

**Presented to the States on 29th August 2023
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

Introduction

1. The Commissioner for Standards has undertaken an investigation into two complaints submitted by Deputy M.R. Scott against Deputy M.B. Andrews. The first complaint was received on 29th April 2023 which concerned various accounts of Deputy Andrews' conduct. The second complaint was received on 10th May 2023 which concerned an incident which took place on 9th May 2023, Liberation Day.
2. After the investigation had been completed and the Commissioner had submitted her report to PPC, the Committee was advised by the Commissioner that on 23rd August 2023, Deputy Andrews had sent Deputy Scott email correspondence which contained an attachment titled "Notes on Moz". Until receiving Deputy Andrews' email, Deputy Scott had not had view of the document which contains sensitive, confidential and unverified information. Given the serious nature and sensitivities of the document, which formed part of Deputy Andrews' original submission to the Commissioner concerning Deputy Scott, PPC has considered this event as part of its overall conclusions.

Commissioner's conclusions

3. The Commissioner concluded that Deputy Andrews breached the requirements of Article 5 of the Code of Conduct for Elected Members by his sustained disrespectful communications to Deputy Scott and about Deputy Scott including public posts, gratuitous insults and his continuous loose talk and malicious gossip about Deputy Scott. The Commissioner has concluded that Deputy Andrews has further breached of Article 5 of the Code of Conduct by his use of language towards Deputy Scott on 9th May 2023. Article 5 of the Code of Conduct is set out below:

5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute. Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

4. The Commissioner also concluded that Deputy Andrews breached Article 8 of the Code of Conduct when he disclosed confidential information, including information relating to live and confidential investigations. Article 8 of the Code is set out below:

8 Access to confidential information

Elected members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends. In addition, members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality. Elected members must not disclose publicly, or to any third party, things said, or information produced, in a meeting of the States that is conducted in camera, unless the States have permitted such disclosure.

5. In concluding the breach of Articles 5 and 8, the Commissioner recommended that Deputy Andrews should apologise to the States for his behaviour. The Commissioner also considered the breaches of the Code of Conduct to be significant in nature and invited PPC to consider further sanction such as censure or suspension.
6. In sending the document titled “Notes on Moz” to Deputy Scott on 23rd August 2023, it is the Commissioner’s view that Deputy Andrews further breached Articles 5 and 8 of the Code of Conduct and Article 3. Article 3 of the Code is set out below:

3 Personal conduct

Elected members should observe the following general principles of conduct for holders of public office –

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family and friends, their business colleagues or any voluntary or charitable organization they are involved with.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States and its members in conducting public business.

7. PPC has considered these further breaches of the Code as part of its conclusions on this case.

PPC's conclusions

8. Standing Order 158 prescribes what PPC shall do on receipt of a report from the Commissioner for Standards:

158 Outcome of investigation by the Commissioner for Standards

- (1) When the Commissioner for Standards has reported the outcome of an investigation to the PPC under Article 9(1)(c) of the Commissioner for Standards (Jersey) Law 2017 in relation to the code of conduct for elected members of the States set out in Schedule 3, the PPC –
- (a) shall review the Commissioner's report;
 - (b) shall give the elected member whose act has been investigated the right to address the PPC, accompanied, if the elected member wishes, by a person of his or her choice;
 - (c) shall form an opinion, on the basis of the information before it, as to whether or not the elected member has breached the code of conduct and what action, if any, should be taken;
 - (d) shall inform the elected member of its opinion with reasons and what action, if any, it thinks should be taken; and
 - (e) may report its opinion and reasons, and any action it thinks should be taken, or which has been taken, to the States.

- (2) When the Commissioner for Standards has reported the outcome of an investigation to the States under Article 9(1)(c) of the Commissioner for Standards (Jersey) Law 2017 in relation to the code of conduct and code of practice for Ministers and Assistant Ministers referred to in Article 18(3A) of the Law, the PPC shall –
- (a) follow the procedure set out in sub-paragraphs (a) to (e) of paragraph (1) in relation to that report; or
 - (b) make the report of the Commissioner for Standards available to the States.
- (3) The report by the PPC referred to in paragraph (1)(e) may be presented to the States in writing or made orally by the chair of the PPC in a statement.

9. PPC invited Deputy Andrews to give his response to the report, and he attended upon the Committee (accompanied) on 25th August 2023. In speaking to Deputy Andrews, the Committee recognises the personal toll this matter has had on the Deputy and his wellbeing. However, there did not appear to be an acknowledgement from the Deputy of his actions and what impact they might have had on Deputy Scott. Nor did it appear that the Deputy accepted the outcome of the Commissioner's investigation and her recommendations.
10. PPC accepts the Commissioner's findings that Deputy Andrews breached Articles 3, 5 and 8 of the Code.
11. PPC concurs with the Commissioner's recommendation that Deputy Andrews should apologise to the States Assembly for his behaviour. The Committee has therefore requested that the Deputy makes a public apology in the Assembly by way of a personal statement, addressing the breaches of the Code of Conduct contained within the Commissioner's report. In addition, the Committee has also requested Deputy Andrews to write a personal letter of apology to Deputy Scott which should be sent through the Chair of PPC.
12. PPC also concurs with the Commissioner's recommendation that it considers further sanctions. Given that the breaches of the Code are significant in nature, the Committee will propose a vote of censure to the States Assembly which it intends to recommend takes place in camera. The Committee has advised Deputy Andrews of its decision accordingly.

PAN-ISLAND
COMMISSIONER
FOR STANDARDS



Report by the Pan-Island Commissioner for Standards
on two complaints by Deputy Moz Scott against Deputy Andrews

Government of Jersey

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Summary

This is a report on my investigation into two complaints submitted by Deputy Moz Scott against Deputy Max Andrews.

The first complaint was received on 29 April 2023 and relates to: various accounts of Deputy Andrews' conduct including his demands for time and attention on the Economics and International Affairs Panel (EIAP); unsubstantiated allegations by Deputy Andrews in relation to Deputy Scott in her capacity as Chair of the EIAP and as a States Member expressed to others and in public forums; discourteous communications to her and about her; and violation of her personal boundaries. Deputy Scott alleges Deputy Andrews' behaviour was in breach of paragraphs 3, 4 and 5 of the Code of Conduct for Elected Members.

The second complaint by Deputy Scott was submitted on 10 May 2023 and alleges that Deputy Andrews breached paragraphs 2, 3, 4 and 5 of the Code of Conduct for Elected Members in relation to an incident that took place on 9 May 2023, Liberation Day, where Deputy Andrews confronted Deputy Scott and publicly accused her of wrongly claiming in her confidential complaint submitted to the Commissioner for Standards that two other deputies had been "intimidated" by him when he had spoken in the States Assembly. During this exchange he called Deputy Scott a "silly cow".

After considering all of the evidence in relation to these two complaints, including written responses, documentary evidence and interviews, I found that Deputy Andrews' behaviour in relation to his sustained disrespectful communications to Deputy Scott and about Deputy Scott including public posts, gratuitous insults and his continuous loose talk and malicious gossip about Deputy Scott to be in breach of paragraph 5 of the Code of Conduct for Elected Members. Deputy Andrews' behaviour, including his language towards Deputy Scott on 9 May 2023 further breached paragraph 5 of the Code of Conduct for Elected Members. Deputy Andrews public disclosure of confidential information, including information relating to live and confidential investigations, breached paragraph 8 of the Code of Conduct for Elected Members.

Introduction

1. I received a complaint from Deputy Moz Scott on 29 April 2023 (case 202300004) alleging that Deputy Max Andrews breached paragraphs 3, 4 and 5 of the Code of Conduct for Elected Members (“the Code of Conduct”) relating to various accounts of Deputy Andrews’ conduct including: his demands for time and attention on the Economics and International Affairs Panel (“EIAP”); unsubstantiated allegations by Deputy Andrews in relation to Deputy Scott in her capacity as Chair of the EIAP and as a States Member expressed to others and in public forums; discourteous communications to her and about her; and violation of her personal boundaries.
2. I received a further complaint from Deputy Scott on the 10 May 2023 alleging that Deputy Andrews breached paragraphs 2, 3, 4 and 5 of the Code of Conduct in respect of an incident that took place on 9th May 2023, Liberation Day, where Deputy Andrews called Deputy Scott a “silly cow” and accused Deputy Scott of wrongly claiming in her complaint to the Commissioner for Standards that two other deputies had been “intimidated” by him when he had spoken in the States Assembly on 1 March 2023.
3. The Code of Conduct provisions relating to the allegations above are:

“2 Public duty

The primary duty of elected members is to act in the interests of the people of Jersey and of the States. In doing so, members have a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them.

Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously.

Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.”

“3 Personal conduct

Elected members should observe the following general principles of conduct for holders of public office.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family and friends, their business colleagues or any voluntary or charitable organization they are involved with.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States and its members in conducting public business."

"4 Conflict between public and private interest

Elected members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest."

"5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process."

Scope of the Complaint

4. Whilst I have received an abundance of information within each of these complaints and responses which I have carefully considered, my investigation focussed on the substantive issues of conduct as I believe them to be including: allegations of breaches of paragraphs 3, 4 and 5 of the Code of Conduct relating to Deputy Andrews' inappropriate conduct towards Deputy Scott (202300004) and

allegations of breaches of paragraphs 2, 3, 4 and 5 of the Code of Conduct relating to Deputy Andrews inappropriate conduct on Liberation Day (202300006).

Investigation

5. During the course of my investigation, I carried out the following:
 - Reviewed the complaints
 - Requested written responses to both complaints (202300004, 202300006) from Deputy Andrews
 - Reviewed written responses and evidence submitted by Deputy Andrews
 - Interviewed Deputy Scott
 - Interviewed Deputy Andrews
 - Interviewed Deputy Raluca Kovacs, Vice-Chair EIAP
 - Interviewed Connétable Richard Honeycombe, EIAP Panel Member
 - Interviewed Connétable Marcus Troy, EIAP Panel Member
 - Requested information from the States Greffe

Background and context

6. The above complaints relate to alleged behaviour by Deputy Andrews towards Deputy Scott. Deputy Andrews and Deputy Scott are both States Members who were elected in 2022 and worked together on the EIAP. In December 2022, the EIAP consisted of Deputy Scott (Chair), Deputy Kovacs (Vice-Chair) and Deputy Andrews (Panel Member). All three deputies agree, for various reasons, that relationships on the Panel deteriorated over time. On 21 December 2022, the Assistant Greffier recommended mediation but Deputy Andrews and Deputy Kovacs declined mediation on the grounds that it was expensive and would likely not have a positive outcome. Connétables Richard Honeycombe and Marcus Troy agreed to become members of the EIAP in late December 2022. Various efforts by Deputy Scott, Deputy Andrews and Deputy Kovacs to try and sort their differences out as a Panel were not successful. On 21 March 2023, Deputy Kovacs and Deputy Andrews resigned. While there are finer details relating to the working of the EIAP contained in the responses to each complaint, this investigation did not focus on the EIAP or the way it functioned in terms of its scrutiny role. The allegations relate to Deputy Andrews' behaviour towards Deputy Scott and that was the focus of my investigation.

Evidence

202300004

7. Deputy Scott states in her written evidence, that over time she was "becoming increasingly aware of the Deputy's lack of life experience and maturity, his psychological need for approval, his tendency to attach himself to women and a lack of instinct regarding appropriate behaviour and social boundaries".
8. The following are the main issues arising from Deputy Scott's complaint:

1. Diwali event 29 October 2022

- a. Deputy Andrews and Deputy Scott attended a Diwali event on 29 October 2022 where Deputy Scott dressed in traditional Indian attire. Deputy Andrews said he thought it was impressive that she had gone to the effort to do so and that he admired the outfit itself and told Deputy Scott that she “looked stunning”. Recollections vary between the deputies as to whether this was said at the event, the day after or both. Deputy Andrews maintains it was said on the evening in the States Assembly building:

Me and Deputy Scott were discussing how enjoyable the evening was. We were walking down the staircase and then we were walking out into the Royal Square. I just said, 'Oh, you look absolutely stunning.' She said, 'That's very inappropriate.' I was a bit taken aback because I was a bit like, 'Oh, I didn't mean it in that context.' I said, 'I think you've taken this out of context.' I said, 'Your dress was splendid and very appropriate for the evening.

- b. In contrast, Deputy Scott claims that Deputy Andrews made the comment the following day and repeated it the day after.
- c. Deputy Andrews refutes this and stated during interview:

As a man, as you stated, the 30th of October, I really take exception to that because it's untrue and it hurts. It hurts having somebody accuse me of such a thing that I wouldn't do. I'm never going to put a woman in an awkward position where I would repeat the same words if she has demonstrated that she's unhappy with it, even though it was a compliment, and that's really been grating on me.

- d. Deputy Andrews commented that the 30th October 2022 (the next day) was a Sunday and he would not have met Deputy Scott on a Sunday to have made the comment.
- e. Deputy Scott told Deputy Andrews that he shouldn't say things like that to her. He explained that it was a compliment and that it was not his intention to make her feel uncomfortable.

2. Gifts

- a. Deputy Andrews gave gifts to Deputy Scott on two occasions. The first was a box of chocolates on 10 November 2022 which Deputy Scott described in her complaint as an “inordinately expensive box of chocolates”. On receipt of the chocolates, Deputy Scott said “Oh, that's very sweet of you”, and in a message, in response to Deputy Andrews, she said, “Thank you for the chocolates.” Deputy Andrews maintains that Deputy Scott is now using this against him and said at interview:

Now it's almost as if, well, let's just try and take out Deputy Andrews in his career, because she's unhappy with my comment that I've put on Politics Jersey, and she's just aiming to try and do whatever she can to destabilise me. Things like this shouldn't really be featuring in the complaint.

- b. The second time Deputy Andrews gave Deputy Scott gifts was on 12 December 2022 when he gave her Chanel perfume, Molton Brown bath oil, Jo Malone room spray and a packet of chocolate chip biscuits. Deputy Scott asserts that she told Deputy Andrews that she felt uncomfortable with these gifts, especially as they were so expensive. She stated that:

Deputy Andrews answered that he had bought them for me because I had been supportive of him since he had been elected and he would have struggled without me and thanked me for being there for him. I thanked him but told him it was unnecessary extravagance as I try to be supportive of all my fellow States Members when I can be. In response to my informing him I wasn't comfortable with gifts from colleagues that weren't to mark a special occasion, he said they were my Christmas presents.

- c. Deputy Andrews said:

The reason why I did it is I knew it was Christmas and Deputy Kovacs wanted a vote of no confidence at that point. I thought, as a panel, if the three of us haven't even sat down yet, that would just be unfair to bring forward a vote of no confidence in January by saying, 'By the way, we want you out.' I knew I had to do something, So in the end, I just purchased a couple of presents and yes, she seemed to be uncomfortable when I told her about the presents."

- d. Deputy Scott met with the Chair of the Privileges and Procedures Committee ("PPC") and the Greffier on the 16 December 2022. She explained how unsettled she was by Deputy Andrews' behaviour, inconsistency and mixed messaging, particularly in light of some of his earlier comments such as "When I asked if he had a girlfriend at one of the lunches, informing me he hadn't had one and 'to be honest' preferred older women". Deputy Scott told the Chair of the PPC and the Greffier that she did not think she was in physical danger. The Greffier agreed that the gifts were inappropriate.
- e. In his written evidence, Deputy Andrews stated that during his meeting with the Greffier on 19 December 2022, he was made aware that "Deputy Scott insinuated [to the Chair of the PPC and Greffier] I had a crush on her, which was absurd."
- f. Deputy Andrews apologised to Deputy Scott for making her feel uncomfortable shortly after his meeting with the Greffier. Deputy Scott accepted his apology.

3. Gender-nuanced language

- a. Deputy Scott asserts that Deputy Andrews use of gender-specific and gender-nuanced or gender-referenced language such as "slamming a handbag on the table" and referring to her as being "difficult and argumentative" made her feel uncomfortable. She also provided evidence that shows Deputy Andrews used expressions on the EIAP Teams Channel that she found offensive including "give it a rest Moz".

4. Online communications

- a. On 3 February 2023, Deputy Andrews tweeted a reply in response to a post by Deputy Scott in relation to governance on the island, to which Deputy Andrews replied “Are you joining the PAC Tuesday?”
- b. On 28 April 2023, in response to a Facebook post by Deputy Scott, Deputy Andrews posted “There are some members who need more training including one member who told me to “f*** off” on two separate occasions.”
- c. On 13 July 2023, in response to a post from a member of the public relating to the resignation of Connétable Marcus Troy from the EIAP which read “Three down in a few months doesn’t seem a good panel to work on”, Deputy Andrews responded “Exactly”.
- d. In and around 20 July 2023, Deputy Andrews responded on Twitter to a post saying “Peter, ignore Moz, she’s condescending and not worth engaging with.”

9th May altercation (202300006)

9. On 9 May 2023, Liberation Day, Deputy Andrews was angry after having read the evidence from Deputy Scott’s complaint against him. In particular, Deputy Scott had asserted in her written evidence in relation to when Deputy Andrews spoke in the States Assembly on 1 March 2023:

Ministers I sit amongst were expressing discomfort that the Deputy was looking in their direction while being critical as they considered his comment might be incorrectly construed as referring to them.

10. Deputy Andrews confronted the two ministers and asked them if he had made them feel “intimidated”. The two members denied saying this and told Deputy Andrews that he did not make them feel intimidated.

I asked Deputy Miles, even though I knew the answer would be 'no' whether Ministers spoke about being intimidated by me because Deputy Scott alludes to me 'staring' in the direction of Ministers when this was not the case. Deputy Miles responded by informing me that no such discussion had even occurred because I did not act in an 'intimidating' way. When I asked Deputy Morel the same question he told me it was nonsense.

11. After gaining confirmation from the two ministers, Deputy Andrews confronted Deputy Scott and told her that he had spoken to the two ministers and they had denied being “intimidated” by him.

When Deputy Scott entered the Members' room I addressed her with this information before Deputies Morel and Miles who are Ministers. I told Deputy Scott about what she had claimed in her complaint against me by implying Deputy Morel and Deputy Miles felt intimidated by me

which was something that I had proven was false, which was something she outright denied she had lodged in her complaint.

I told Deputy Scott she annoyed me with her vexatious complaint against me which was proven to be a lie, so I said "You cow" in regard to the unwarranted stress she has placed on me making false accusations.

12. Deputy Scott asserts that Deputy Andrews misrepresented what she said in her complaint in relation to the two other members, as it is clear from what was stated in her submission that she never used the word "intimidated".

Deputy Andrews approached me while I was drinking my coffee in the company of my colleagues and accused me of claiming Deputy Miles and Deputy Morel had been intimidated by him when he had spoken in the States Assembly. He said he has spoken to them and they had denied being intimidated by him. When I expressed confusion and asked him on what evidence he was claiming I had suggested he had intimidated these Ministers, Deputy Andrews referred to the submission I sent to you on the 30th April in support of my counter complaint against him and asserted they had not been intimidated by him and called me a 'silly cow'.

The Constables of St Peter and Grouville and Deputies Miles and Hegarat intervened. Deputy Hegarat said Deputy Andrews and I should not be having this sort of exchange on Liberation Day. I said I agreed with her and I had not started the confrontation. Deputy Miles placed herself between Deputy Andrews and me while the two Constables kept him from continuing the exchange.

It was not true to say they (or the other Minister with whom I sit in the States Chamber) were intimidated. As is evidenced by my submission, I said they are uncomfortable (insofar as they were expressing bewilderment regarding the identity of the Minister to whom he was referring and one Minister expressed concern that the lack of disclosure meant it could incorrectly suggest it was that Minister).

13. Deputy Scott raised concerns in her complaint, stating that when Deputy Andrews confronted the two ministers in question, he wrongly disclosed confidential information relating to her complaint against him which was under investigation.

Findings of Fact

14. I found the following facts established to the required standard of proof:

202300004

1. On 29 October 2022, Deputy Scott and Deputy Andrews attended a Diwali event where at some point, either during or in the days after (or both), Deputy Andrews told Deputy Scott she looked stunning.
2. On 10 November 2022, Deputy Andrews gave a box of chocolates to Deputy Scott.

3. On 10 November 2022, Deputy Andrews gave a box of chocolates to Deputy Kovacs.
4. On 19 November 2022, Deputy Scott wrote to the Assistant Greffier outlining concerns relating to Deputy Andrews' behaviour towards her.
5. On 12 December 2022, Deputy Andrews gave Chanel perfume, Jo Malone room spray, Molton Brown bath oil and a packet of chocolate chip biscuits to Deputy Scott.
6. On 12 December 2022, Deputy Andrews gave perfume to Deputy Kovacs.
7. On 16 December 2022, Deputy Scott met with the Greffier and the Chair of the PPC in relation to the gifts she had received from Deputy Andrews; they both deemed the gifts to be inappropriate.
8. On 19 December 2022, the Greffier spoke with Deputy Andrews and advised him that the gifts were inappropriate.
9. On 21 December 2022, the Assistant Greffier informed Deputy Scott that he had communicated with Deputy Andrews and Deputy Kovacs and recommended mediation in relation to the difficulties between the deputies, but they declined to pursue that approach.
10. On 3 February 2023, in response to a tweet by Deputy Scott, Deputy Andrews replied "Are you joining PAC on Tuesday?".
11. On 14 February 2023, Deputy Scott wrote to the States Greffe outlining concerns relating to Deputy Andrews' behaviour towards her.
12. On 28 April 2023, in response to a Facebook post by Deputy Scott, Deputy Andrews replied "There are some members who need more training including one member who told me to "f*** off" on two separate occasions."
13. On 13 July 2023, Deputy Andrews responded "Exactly" to a post which stated "Three down in a few months doesn't seem a good panel to work on." This was in relation to the resignation of Connétable Troy from the EIAP.
14. On or about 20 July 2023, Deputy Andrews responded on Twitter to a public Twitter post "Peter, ignore Moz, she's condescending and not worth engaging with."

Deputy Andrews conduct on Liberation Day (202300006)

15. On 9 May 2023, Liberation Day, Deputy Andrews disclosed confidential information to other States Members relating to Deputy Scott's complaint against him.
 16. On 9 May 2023, Deputy Andrews confronted Deputy Scott in the Members Room, and with other colleagues present accused her of lying and called her a "silly cow".
15. Deputy Andrews was afforded an opportunity to challenge any of the above findings before I finalised my report. He responded with a number of suggested amendments; some were accepted.

The related correspondence is included in the Appendix items and I refer to this correspondence in the “Matters Arising” section of this report.

Reasoned Decision

202300004

16. Deputy Scott and Deputy Andrews enjoyed a good working relationship soon after being elected and up to a point, but various incidents have caused Deputy Scott to not only explicitly state to Deputy Andrews that his behaviour was inappropriate on a number of occasions but to also contact the States Greffe (emails: 19 November 2022; 14 February 2023 and meeting 16 December 2022) who, subsequent to her contact with them, found reason to meet with Deputy Andrews in relation to a number of the incidents. During the same time, Deputy Andrews had contacted the States Greffe and the SLC as he was hoping to find a path to sort the difficulties between them.
17. It is clear to me that both deputies struggle to communicate effectively with each other. Deputy Andrews finds Deputy Scott’s way of communicating frustrating and there is evidence from Deputy Andrews, Deputy Scott and others which highlight the difficulties between the two deputies which appears to have impacted negatively on their working relationship.
18. There are a number of allegations and incidents recounted in the complaints raised by Deputy Scott in relation to Deputy Andrews’ behaviour towards her. When Deputy Andrews told Deputy Scott that she “looked stunning”, he failed to consider that saying such a thing may have caused offense. It is apparent that recollections vary between the deputies in relation to when and how many times the supposed compliment was made. If Deputy Scott is correct in her recollection, then Deputy Andrews ignored her position and feelings on the matter when he told her a second time that she looked stunning. If Deputy Andrews is correct in his recollection, he thought he was giving an honest and unproblematic compliment. It is my view that Deputy Andrews failed to recognise the possibility that saying this to Deputy Scott could have made her uncomfortable. However, he did explain his position to Deputy Scott at the time, and she appears to have understood and accept that he did not realise the compliment would cause her discomfort.
19. When Deputy Andrews gave chocolates as a gift to both Deputy Scott and Deputy Kovacs in November 2022, it was during a time when the EIAP was experiencing difficulties; he said he gave them both chocolates in an attempt to help boost morale. Deputy Scott received perfume, bath oil, room spray and biscuits from Deputy Andrews at Christmas; Deputy Kovacs received perfume, but returned the perfume to Deputy Andrew, as she felt it was excessive. Deputy Scott said she felt uncomfortable with the expensive gifts and explained this to Deputy Andrews and also emailed the Greffier about this who then met with Deputy Andrews and explained to him that the gifts were inappropriate. Afterwards, Deputy Andrews apologised to Deputy Scott for making her feel uncomfortable in relation to the gifts and explained to her that it was not his intention to make her feel uncomfortable. She accepted his apology. The gifts were given to Deputy Scott at the same time as Deputy Andrews and Deputy Kovacs were exploring the option of bringing a vote of no confidence against Deputy Scott. It could be that Deputy Andrews gave these gifts to Deputy Scott

because he felt badly about looking into this option. I do not believe Deputy Andrews gave these gifts to Deputy Scott to romantically woo her; he stated any such suggestion was absurd. Whatever the reason, I do not believe Deputy Andrews intended to hurt or offend Deputy Scott when he gave her gifts, however, it could be argued that he should have known the gifts were inappropriate.

20. In relation to the allegation of Deputy Andrews' use of gender-specific and gender-nuanced or gender-referenced language, Deputy Andrews contends he was merely saying what he saw—for example, she slammed her handbag down on the table—that is what he saw. I am not convinced that recounting it in the way he did was meant by him to be derogatory in nature, but accept that perhaps bespoke training might elucidate the problems associated with the use of gender-specific, gender-nuanced or gender-referenced language.
21. Turning to the Facebook and Twitter posts by Deputy Andrews that Deputy Scott found offensive. It is important to state that the European Court of Human Rights has long recognised the importance of freedom of expression in the political sphere. It has been held by them that what is said by elected politicians (that is, “political speech”) is afforded an even higher level of protection under the Human Rights Act 1998, Article 10 Freedom of Expression (Castells v Spain App No 11798/85 [1992]).
22. In the Heesom case (2014), Hickinbottom J stated that

“Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, nonrational and aggressive that would not be tolerated outside this context is tolerated.” (Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 9 (Admin))
23. If what is said is not deemed to be “in the political context”, it is not afforded enhanced protection. Deliberately false statements and gratuitous insults are not afforded such protection. A gratuitous insult can be defined as unnecessary and often harmful or upsetting.
24. When Deputy Andrews posted “Are you joining the PAC today?” he was, to my mind, being facetious. He was replying to emails he had received from Deputy Scott and to Deputy Scott's post at the time which were, in my view, said within a political context and therefore could be afforded enhanced protection (the right to shock, offend, disturb etc).
25. In a Facebook post on 28 April 2023, Deputy Andrews wrote in response to a conversation on Facebook (Politics Jersey) between Deputy Scott and a member of the public: “There are some members who need more training including one member who told me to “f*** off” on two separate occasions”. He posted this notwithstanding the fact that he had submitted a complaint to the Commissioner for Standards through the SLC on 24 March 2023 which was against Deputy Scott in relation to her swearing at him. Deputy Andrews was aware the complaint was live and under investigation. It is my view that Deputy Andrews' comment was irrelevant to the discussion taking place at the time and was not made “in a political context”. It was inappropriate for him to have publicly referred to an issue which was under investigation and to publicly embarrass Deputy Scott further to submitting his complaint.

26. On 13 July 2023, in response to a post by a member of the public relating to the resignation of Connétable Marcus Troy from the EIAP which stated “Three down in a few months doesn’t seem a good panel to work on”, Deputy Andrews responded “Exactly”. Agreeing in a public forum that the EIAP is not a good panel to work on further undermines Deputy Scott, as she is Chair of the panel and also a member of the States Assembly. It is worth noting that having spoken to Connétable Troy during this investigation, he confirmed that he was leaving the EIAP in July because it was “a lot more work than he signed up for but has nothing to do with Deputy Scott”.
27. Deputy Andrews’ public comment in a post on Twitter on or around the 20 July 2023, “Peter, ignore Moz, she’s condescending and not worth engaging with” was not made in a political context, but rather was a derogatory gratuitous insult.
28. I find Deputy Andrews’ behaviour in relation to the above social media engagement entirely inappropriate. At one point in November 2022, Deputy Scott said there was agreement between them not to publicly squabble on social media platforms. This agreement appears to have been short-lived. What is especially concerning is that Deputy Andrews continued this behaviour when he knew there were ongoing investigations into his complaint against Deputy Scott and into Deputy Scott’s complaints against him. He should have known better than to make these comments, especially at this time. It is my view that many of the above online examples were unnecessary and frankly not befitting of a States Member. On balance, it is my view that his online public commentary was disrespectful, reckless, and made without any regard to Deputy Scott in terms of the embarrassment or impact to her reputation; it was gratuitous and unjustified.
29. Deputy Scott outlines in her evidence concerns relating to Deputy Andrews “broadcasting his concerns and distorted perception of our interactions with each other to States Members and on Twitter, possibly with the aim of damaging my personal and professional reputation”. It does appear from the evidence that Deputy Andrews has been very open about his disagreements with Deputy Scott, to her, to others and publicly in his online posts and/or replies. In his own evidence submitted to me and at interview, he told me about numerous other States Members he has spoken to about various issues between himself and Deputy Scott, often quoting what they said in response to him during these private conversations.
30. I can understand Deputy Scott’s concern that his motivation in doing so may have been to damage her personal and professional reputation; certainly, such talk and what I would describe as gossip, or even malicious gossip, can have that effect. Deputy Andrews’ chat to other Members about Deputy Scott and his disclosure of confidential details of complaints under consideration (either his own or Deputy Scott’s) is problematic; this loose talk is detrimental not only to Deputy Scott as the subject of whatever Deputy Andrews is saying to whoever will listen, but to the morale of the States Assembly members and the public they aim to serve, and also to the Office of the Pan-Island Commissioner for Standards and the integrity of its complaints process. It is not befitting of a States Assembly Member to behave in this manner. This behaviour has consequences in terms of the well-being of all members including himself and Deputy Scott, States’ staff and others.

Allegation 1: Personal conduct, Paragraph 3 of the Code of Conduct

31. Paragraph 3 of the Code of Conduct states that elected members should observe the general principles of conduct for holders of public office (the Seven Principles of Public Life). I do not believe the principles, strictly speaking, are directly engaged in relation to Deputy Andrews' behaviour towards Deputy Scott.

Allegation 2: Conflict between public and private interest, Paragraph 4 of the Code of Conduct

32. The only interests served in posting gratuitous insults, engaging in gossip and/or malicious gossip with other States Members relating to Deputy Scott and publicly referring to issues that were under investigation, were his own interests. It could be argued that it is not in the public interest to engage in such potentially damaging and disrespectful behaviour. However, the interpretation of public vs private interest is important here. Deputy Andrews' actions did not relate to a financial interest or material benefit to him; that is, in the spirit of paragraph 4, he did not have a private financial or material interest that he prioritised over the public interest. For this reason, it is my view that he did not breach paragraph 4 of the Code of Conduct.

Allegation 3: Maintaining the integrity of the States, Paragraph 5 of the Code of Conduct

33. States Members are expected to *"at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute. Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process"* (Paragraph 5).
34. I believe Deputy Scott was offended by a number of Deputy Andrews' actions. Deputy Scott felt uncomfortable with the gifts he gave her, with the compliments given to her, and with what Deputy Scott refers to as gender-nuanced language. Deputy Andrews appears to have been unaware of the consequences of many of his actions in this regard. On balance, I do not believe he was motivated by malice or ill-intent in his gift giving, complement-giving or in his use of gender-nuanced language; that is, I do not believe Deputy Andrews intended to be disrespectful or discourteous to Deputy Scott or that he intentionally set out to make Deputy Scott feel uncomfortable in relation to those specific occasions. However, it is clear from the evidence that Deputy Scott did feel uncomfortable and furthermore would not have sought advice from the States Greffe on a number of occasions had she not been affected by Deputy Andrews' behaviour. Once brought to his attention, Deputy Andrews explained and/or apologised to Deputy Scott, who appears to have accepted his explanation and/or apologies. I do not consider Deputy Andrews' inappropriate behaviour surrounding gifts, compliments and gender-nuanced language to be a breach of paragraph 5 of the Code of Conduct. However, it would be wise for Deputy Andrews to undertake further training on maintaining boundaries and understanding inappropriate behaviours.

35. I do not consider it respectful or courteous for a member to maliciously gossip, tweet or post about another member online or to other States Members; evidence of this conduct is contained in the responses received by both deputies and gleaned at interviews during this investigation. It could also be regarded as action which would “bring the States, or its Members generally, into disrepute”. The Commissioner for Standards should not have to explain to a member that this behaviour is inappropriate and immature; it simply should not be happening and is wholly unprofessional behaviour. If Deputy Andrews has nothing nice to say about Deputy Scott, then he shouldn’t say it. It is difficult to know whether Deputy Andrews’ motivation for the gossip, tweets, posts etc was to try to embarrass or humiliate Deputy Scott and/or to tarnish her reputation or otherwise. What I can be sure of, is that this sustained and cumulative behaviour falls below the standards expected of States Members in breach of paragraph 5 of the Code of Conduct.

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36. On 9 May 2023, in seeking to confirm information contained in Deputy Scott’s complaint against him, Deputy Andrews asked the two ministers referred to in Deputy Scott’s complaint if they had said that he (Deputy Andrews) had intimidated them. In doing so, he disclosed confidential information relating to an ongoing confidential complaints process. Deputy Andrews knew, or ought to have known, that the fact and details of Deputy Scott’s complaint were confidential and should not have been disclosed.
37. Deputy Andrews misrepresented what Deputy Scott had said in her evidence to the two ministers. She did not say the two ministers felt intimidated but rather that they were ‘expressing discomfort’. Perhaps Deputy Andrews interpreted ‘expressing discomfort’ as feeling intimidated; however, these are two different words with two different meanings. Not only should he not have disclosed this information, but his misquoting of what Deputy Scott said in her complaint made matters worse.
38. May 9 is Liberation Day, a celebratory day in Jersey. In this context, when Deputy Andrews confronted Deputy Scott and called her a “silly cow” with other members present, it was particularly appalling behaviour.

Allegation 1: Public duty, Paragraph 2 of the Code of Conduct

39. Paragraph 2 states that it is the primary duty of elected members to act in the interests of the people of Jersey, including upholding the law and acting on all occasions in accordance with the public trust placed in them. I am not wholly convinced this complaint engages the spirit of paragraph 2, and therefore do not find that paragraph 2 of the Code of Conduct has been breached.

Allegation 2: Personal conduct, Paragraph 3 of the Code of Conduct

40. I believe by what Deputy Andrews said to Deputy Scott on Liberation Day, and by breaching the confidentiality of the complaints process by disclosing confidential information to other States

Members relating to Deputy Scott's complaint was inappropriate conduct. However, I do not believe that the seven principles are directly engaged in relation to Deputy Andrews' behaviour towards Deputy Scott as related to this case. For this reason, I do not find that Deputy Andrews breached paragraph 3 of the Code of Conduct for Elected Members.

Allegation 3: Conflict between public and private interest, Paragraph 4 of the Code of Conduct

41. The only interests served by confronting Deputy Scott in the way he did and in disclosing confidential information relating to a confidential complaints process, were his own interests. It certainly was not in the public interest. For this reason, it could be argued that Deputy Andrews breached paragraph 4 of the Code of Conduct for Elected Members. However, as stated at paragraph 32 above, the interpretation of public vs private interest is important. Deputy Andrews' actions did not relate to furthering a financial interest or material benefit; that is, in the spirit of paragraph 4, he did not have a private financial or material interest that he prioritised over the public interest. For this reason, on balance, I do not believe Deputy Andrews breached paragraph 4 of the Code of Conduct.

Allegation 4: Maintaining the integrity of the States, Paragraph 5 of the Code of Conduct

42. It is my view that Deputy Andrews breached paragraph 5 of the Code of Conduct for Elected Members when he called Deputy Scott a "silly cow" as this was disrespectful language and a gratuitous insult. Further, when he disclosed to other members confidential details of Deputy Scott's live complaint, and in the process of doing so misquoted the confidential information, he breached the confidentiality of the complaints process which serves to undermine the trust people have in the States Assembly and the complaints process. Deputy Andrews has a duty to 1) "maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey", 2) "not to act in a manner which would bring the States, or its Members generally, into disrepute", and 3) "to at all times treat other members of the States, officers, and members of the public with respect and courtesy...". It is my view that Deputy Andrews did not meet the mark on all three counts.

Commissioner identified breach, Paragraph 8 of the Code of Conduct

43. Paragraph 8 states that "Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality."
44. I believe that Deputy Andrews' public disclosure of confidential information, including information relating to live and confidential investigations was in breach of paragraph 8 of the Code of Conduct for Elected Members.

Matters arising

45. During the course of my investigation, there have been matters that have arisen which have caused me concern in relation to Deputy Andrews' behaviour in respect of the complaints process. His disclosure of confidential details relating to the complaints has already been mentioned and I have found him to have breached the Code of Conduct in relation to the same.
46. On another matter, in accordance with the Commissioner's Statement, Deputy Andrews was provided with the 'Findings of Fact' from my investigation and given the opportunity to exercise his right to challenge these. In my letter to Deputy Andrews, I advised that should he wish to challenge any of the findings of fact, he should write to me setting out the finding or findings that he wished to challenge, the reason for each such challenge and evidence to support any challenge. Deputy Andrews did challenge a number of the findings of fact and I considered his suggestions and made him aware of my changes in relation to his challenges. However, I was concerned by his correspondence to me on 4 July 2023 where he wrote:

I insist the items purchased be referred to as 'Christmas gifts' as the public need to be informed about whether Deputy Scott and I breached the code of conduct rather than intricate details being discussed which could well be damaging to my reputation as a States member due to the wording being rather explicit ie perfume etc.

47. In another correspondence on 24 July 2023, Deputy Andrews wrote to inform me he was unhappy with my investigation in respect of the finding of fact relating to the 12 December 2022; this is in relation to the gifts. He stated in his email correspondence to me:

The event on the 12th of December 2022 should be exempt from C202300004 because I was questioned over something which had already been addressed and therefore it should not be concomitant to the findings of fact, and neither should it feature in the final report.

48. This behaviour highlights Deputy Andrews' lack of understanding of the Office of the Commissioner for Standards including its investigative powers, independence and remit as detailed in the Commissioner for Standards (Jersey) Law 2017. The provision of the 2017 legislation relating to the Commissioner's independence clearly states under paragraph 10(1) "Independence":

(1) The Commissioner must not be directed on how any function of the office of Commissioner is to be carried out, including, in particular, whether or not to undertake an investigation referred to in Article 9(1)(a) or (b).

49. It is my view that the Commissioner should not have to point such matters out to a member. Deputy Andrews knows, or ought to have known, that "insisting" the Commissioner do something is entirely inappropriate and runs contrary to the 2017 legislation. For this reason, it is my view that Deputy Andrews further breached the Code of Conduct for Elected Members in relation to paragraphs 5.
50. A further matter relates to Deputy Andrews' actions arising from his concern about the publication of the report's appendix items which include all interview transcripts, responses, correspondence,

evidence etc. Deputy Andrews asked me at interview whether the appendices will be included in my report. I told him that I did not think it would be in the public interest or the States' interest to publish the appendix items due to the fact that his interview and submitted evidence mentions numerous other staff and members, including private conversations between himself and those other staff and members which were undoubtedly never meant to be shared publicly. Some of the information shared relates to very personal and often irrelevant information about other members, which I am guessing those members have not given him permission to share nor would they want shared in the public domain (or with the Commissioner for that matter).

51. It is the PPC who ultimately decide whether they agree with my findings and recommendations and it is the PPC who decide whether or not to publish the appendices to my report.
52. It is my understanding that Deputy Andrews on a number of occasions to date, has been seeking confirmation from the PPC that the appendices not be published. This is inappropriate; Deputy Andrews should not be lobbying the PPC in the midst of an investigation into his conduct. Whilst it is for the PPC's own consideration as to whether this is an interference with its independence, I must document that this is a matter of deep concern to me.

Other Observations

53. As is often the case, during the course an investigation items may emerge which, whilst not directly related to proving the allegations of the immediate complaints *per se*, are nonetheless observations of importance in terms of providing advice on standards of conduct and further promoting standards in public life. The following are such observations.
54. Both Deputy Scott and Deputy Andrews are new members. It appears to me to be well known amongst States Members that there have been problems in their working relationship to date; it has been said to me by members that they find it difficult to get along. Evidence I have considered confirms these assertions. I have seen and heard evidence that other States Members have attempted to provide advice and support to both deputies as have many staff in the States Greffe. Although Deputy Scott was open to the offer of mediation as a route to possible resolution, Deputy Andrews declined mediation (along with Deputy Kovacs) and it was their right to do so. However, I am not convinced submitting Code of Conduct complaints was the best way to try and resolve the issues between them. But here we are. And as we are here, it is my hope that the following advice will provide some added value to this investigation. The following three paragraphs are included in the spirit of promoting a positive culture and working environment.
55. During the course of my investigation, colleagues have described both Deputy Andrews and Deputy Scott as "very good States Members". It has been said to me that Deputy Scott "has very good ideas", that "her questioning of government and civil servants is second to none" and that she is "brilliant at her job" with a "bigger chip in her brain than most people". Deputy Andrews was described as "a gentleman" and it was said that "we need people like Max, he is young and as an Assembly we need to be more diverse" and "he has a lot to offer".

56. There were suggestions that Deputy Andrews should “look and listen to how other people behave”. He was also described as “incredibly naive” and lacks the benefit of life experience that many other members have. Public life as an elected member requires professionalism and high standards; in this respect, training (both formal and on-the-job) is essential.
57. Some constructive criticisms of Deputy Scott from her colleagues that I interviewed include “she does take even the best intentions in the wrong way, or take it personally, as I said, if you don't agree with what she's saying or what she's intending”. Additionally, it was said by colleagues I interviewed that she “can be a bit abrupt” and “her direct approach can lead to others turning off”. From my interview with Deputy Scott, I know she believes there is always room for self-improvement.
58. My concluding observation is in respect of the Seven Principles of Public Life which are the values the public expects holders of public office to embody, forming the basis of public confidence in government. Deputy Andrews and Deputy Scott (and all States Members for that matter) need to understand that compromise is essential. Focussing on the best in your colleagues and overlooking the worst where and when possible is helpful when doing your job. As one member eloquently put it to me “People are all wired differently, and we need to embrace differences”. A firm commitment to working as part of a wider team is essential and is possible; where it may feel impossible, you must still commit yourselves to an acceptable level of civility towards each other. Where there is incivility, call it out with each other as good leaders should. The aim is to get to a place where there is a mutual baseline respect for each other, where there can be professional debate with each other, where challenges and probing questions are not taken personally, and where there is a concerted effort made to understand each-others’ perspective while still maintaining one’s own perspective. If we can get to that place, Jersey as a whole will be much better off.

Recommendations

59. Deputy Andrews should apologise to the States Assembly for his behaviour which has led to breaches of the Code of Conduct for Elected Members as outlined in this report.
60. I consider the breaches of the Code of Conduct by Deputy Andrews to be significant in nature and as such the PPC may wish to consider further sanctions such as censure or suspension.

16 August 2023

Dr Melissa McCullough

Pan Island Commissioner for Standards

Document	Description
1	Complaint by Deputy Scott
2	Appendix to complaint
3	Response to complaint from Deputy Andrews
4	Interview transcript Deputy Andrews
5	Note of Meeting with Connétable Honeycombe
6	Note of Meeting with Connétable Troy
7	Email from Deputy Andrews 12.07.23
8	Email from Deputy Andrews 13.07.23
9	Email from Deputy Scott 12 and 13 July
10	Email from Deputy Andrews EIA Chair
11	Email from Deputy Andrews: Findings of Fact 19.07.23
12	Email from Deputy Andrews Commissioner for Standards 21.07.23
13	Email from Deputy Scott 25.07.23
14	Additional response for Deputy Andrews "Notes on Moz"
15	Email from Deputy Andrews re 10 Jan email trail
16	Email from Deputy Andrews re 8 March email trail
17	Commissioner etter to Deputy Andrews re Findings of Fact
18	Response from Deputy Andrews to Findings of Fact
19	Commissioner letter to Deputy Andrews in response to his response 04.07.23
20	Complaint 202300006 from Deputy Scott against Deputy Andrews, Liberation Day
21	Response from Deputy Andrews re Deputy Moz Scott Liberation Day complaint 202300006