

SENATORS REJECT KEVIN RODRIQUEZ AS MEMBER OF 32ND LEGISLATURE

Date : June 29, 2017

ST. THOMAS - A majority of senators of the 32nd Legislature, voted Wednesday afternoon to reject Senator-Elect Kevin A. Rodriguez as a member of the body, finding that he did not meet the qualifications to serve, citing inconsistencies in his testimony regarding his residency, and lack of proper vetting by the Virgin Islands Board of Elections.

At the end of a second day of Legislative Session, legislators weighed in on the definition of domicile and residency, and conflicts between Mr. Rodriguez' claim in bankruptcy filings in the states that his bona fide residency was in Tennessee, and the three year residency requirement for candidates seeking elected office in the Virgin Islands.

"There is a process that speaks to legality and what becomes legal when you take an oath and you state that what is before the court is so. He says that it's a mistake, and that likewise that mistake should not be a factor for us to consider," President Jackson said, referencing the oath administered to senators at the start of the term to uphold the laws of the U.S. Constitution.

The decision brings closer to conclusion the more than six-month long process that began when challengers Janelle K. Sarauw and Brigitte Berry filed a lawsuit against Mr. Rodriguez on December 9, 2016 in V.I. Superior Court.

While several senators sympathized with Rodriguez' desire to prevent his family from being evicted from their home in Tennessee, most of the members of the majority said they could not support him.

During her debate time, Vice President Nereida Rivera-O'Reilly ran down a timeline of Rodriguez's documents overwhelmingly stating his residence was in Tennessee.

Majority Leader Neville James said there were no issues with his qualifications when it came to being a U.S. citizen, being over the age of 21, or being convicted of a crime of moral turpitude or felony, "however, there are issues concerning Rodriguez being a bona-fide resident and a qualified voter in the Virgin Islands."

When asked by Senator Marvin Blyden to clarify whether someone could be a bona-fide resident in two places, Attorney Yvonne Tharpes, Legal Counsel at the Legislature of the Virgin Islands, stated that an individual can be a resident in two locations but can only be a bona-fide resident in one. However, she stated there was not any evidence that Rodriguez was domiciled in Tennessee during the period in question and that the facts lead to Rodriguez only being domiciled in the

Territory.

“This case comes down to bona-fide residency that was made in Tennessee according to the bankruptcy filings. During that same year, Rodriguez claimed residency in the Virgin Islands. In the process of protecting his family an error was made and there are consequences,” said Sen. Kurt Vialet.

Overall, with a vote of 8 nays and 6 yays, lawmakers did not approve Kevin Rodriguez to be a member of the 32nd Legislature. Senators who voted no are Myron Jackson, Marvin Blyden, Jean Forde, Neville James, Nereida Rivera O’Reilly, Novelle Francis, Sammuell Sanes and Kurt Vialet. Senators who voted yes are Positive T.A. Nelson, Dwayne DeGraff, Janette Millin Young, Tregenza Roach, Alicia “Chucky” Hansen and Brian Smith.

Earlier in the day, senators shared their support for Nominee Eldondane Francis Member V. I. Taxi Cab Commission and voted on several bills.

Ultimately, senators voted favorably for the nomination. Policymakers also voted and approved the following leases and bills:

Bill No. 32-0122- An Act approving the Lease Agreement between the Government of the Virgin Islands Department of Property and Procurement and Island Building Association.

Bill No. 32-0124- Lease Agreement between the Government of the Virgin Islands, through the Department of Agriculture and Allison L. DeGazon c/o Cruzan Oraganix Farm Inc.

Bill No. 32-0042 - An Act repealing Title 22 Virgin Islands Code Section 125 “The Virgin Islands Insurance Holding Company System Regulatory Act” to meet the accreditation standards established by the National Association of Insurance Commissioners and update the insurance laws of the Territory placing them on par with other United States jurisdictions, and providing greater and more effective

protection to the policyholders of the Territory

Bill No. 32-0066 – An Act making an appropriation from the Anti-Litter and Beautification Fund to the Virgin Islands Waste Management Authority for the purchase of surveillance cameras to be installed at selected bin sites

Bill No. 32-0084 – An Act amending Title 19, Virgin Islands Code, Chapter 31, Section 723 relating to extending the time a person may be detained involuntary for mental health treatment

Bill No. 32-0085 – An Act amending Title 19, Virgin Islands Code, Chapter 31, Section 722 relating to mental health emergency commitments by extending the time a person may be detained for treatment

Bill No. 32-0125-An Act appropriating a sum not exceeding \$480,000 to purchase the real property identified in Act No. 7990, section 1 (a) to complete the Paul E. Joseph Stadium Project

Bill No. 32-0111 – An Act to amend Title 1, Virgin Islands Code, Chapter 11 to establish September as Virgin Islands Prostate Cancer Awareness Month and to require an annual proclamation by the Governor

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All items approved will be forwarded to the governor.

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