

**BILL NO. 34-0287****Thirty-Fourth Legislature of the Virgin Islands****July 19, 2022**

A Resolution to impose sanctions against the Honorable Senator Steven D. Payne, Sr., for violations of the Code of Ethical Conduct of the Thirty-fourth Legislature of the Virgin Islands and for violations of the Legislature's zero-tolerance policy against sexual harassment

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**PROPOSED BY:** Senators: Milton E. Potter, Kenneth L. Gittens,  
Dwayne M. DeGraff, Carla J. Joseph, and Kurt A. Vialet

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1       **WHEREAS**, on April 19, 2022, the President of the Thirty-fourth Legislature of the  
2 Virgin Islands, the Honorable Donna A. Frett-Gregory, by letter of even date, requested the  
3 Committee on Ethical Conduct to provide an advisory opinion to include the Committee's  
4 findings and recommendations for further action by the Legislature of the Virgin Islands against  
5 the Respondent, the Honorable Senator Steven D. Payne, Sr., if the Committee concluded that  
6 Respondent's conduct alleged in the submitted investigative report prepared by Senate Vice-  
7 President Novelle E. Francis, Jr. and Executive Director Kurell Sheridan violated the  
8 Legislature's Code of Ethical Conduct;

9       **WHEREAS**, pursuant to Code of Ethical Conduct, Rule 810(b) of the Rules of the Thirty-  
10 fourth Legislature, provides that upon the request of any Senator or officer or employee of the  
11 Legislature, the Committee on Ethical Conduct is mandated to provide an advisory opinion  
12 regarding "any alleged violation of the standards of conduct of the Legislature on the general  
13 propriety of past, current, or anticipated conduct of a Senator, officer, or employee";

1           **WHEREAS**, pursuant to the requirement of Rule 810(d) to provide an opportunity for  
2 those under investigation to be heard, the Committee held a preliminary hearing with Senator  
3 Steven D. Payne, Sr., on May 17, 2022. In addition, the Committee conducted an extensive  
4 preliminary inquiry with the complainant, a female staff employee of Senator Payne, and a  
5 transcript was made of the interview, which the employee signed as being a true and correct  
6 record of the statements she made during the inquiry. For the preliminary inquiry, the  
7 Committee conducted its interview with Senator Payne and the complainant separately;

8           **WHEREAS**, after having reviewed the evidence presented, the Committee found that the  
9 written responses submitted by Senator Payne and oral statements made during the preliminary  
10 inquiry by Respondent, Senator Steven D. Payne, Sr., established probable cause that  
11 Respondent, Senator Steven D. Payne, Sr., had violated the Thirty-fourth Legislature's Rules  
12 on Ethical Conduct, and on June 10, 2022, the Committee issued and transmitted to Respondent,  
13 Steven D. Payne, Sr., a Statement of Alleged Violations, which charged the Respondent with  
14 alleged violations as summarized below:

15           **CHARGE I.** Code of Ethical Conduct, Rule 801. Rule 801 provides that "[a] Senator or  
16 employee of the Legislature shall conduct himself or herself at all times in a manner that reflects  
17 respectfully on the Legislature of the Virgin Islands." Based on the Respondent's actions after  
18 a meeting of the Committee on Homeland Security, Justice and Public Safety on February 28,  
19 2022, while driving a female staff employee to the Kings Alley Hotel on St. Croix, in vehicle  
20 owned by the Legislature, Respondent, Senator Steven D. Payne, Sr., allegedly made an  
21 unwelcome comment suggesting that the female employee stay in his hotel room to save the  
22 Legislature money, and this comment made the female employee uncomfortable and the female  
23 employee was made to feel even more uncomfortable when Senator Payne took her luggage  
24 over her objections to his assigned hotel room, and she had to go to Senator Payne's hotel room  
25 to retrieve her luggage.

1           **CHARGE II.** Code of Ethical, Rule 802. Rule 802 provides that “[a] Senator or  
2 employee of the Legislature shall adhere to the spirit and letter of the Rules of the Legislature  
3 of the Virgin Islands.” Respondent, Senator Steven D. Payne, Sr.’s, actions amounted to  
4 intimidating the female employee to enter Respondent’s hotel room and this behavior is not in  
5 adherence with the spirit and letter of the Rule 802 and constituted conduct unbecoming of a  
6 senator and brought disgrace upon the Legislature of the Virgin Islands.

7           **CHARGE III.** Code of Ethical Conduct Rule 808(b). Rule 808(b) in pertinent part  
8 provides that “[a] senator may not violate the Legislature’s zero-tolerance policy against sexual  
9 harassment.” This rule was violated on February 28, 2022, when Respondent, Senator Steven  
10 D. Payne, Sr., while driving a female employee from the Legislative Complex after a meeting  
11 of the Committee on Homeland Security, Justice and Public Safety to the Kings Alley Hotel,  
12 made unwelcome statements to the female employee suggesting that she stay in his hotel room,  
13 and when Respondent, Senator Steven D. Payne, Sr., allegedly made unwelcome comments to  
14 the female employee, who went into the Respondent’s hotel room to retrieve her luggage, that  
15 Respondent, Senator Steven D. Payne, Sr., took the female employee’s luggage to his hotel  
16 room despite the female employee’s objections, and once inside the room, Respondent made  
17 unwanted comments to the female employee about which side of the bed was hers and told her  
18 to get comfortable. When the female employee was able to open Respondent’s hotel room door  
19 to leave with her luggage, Respondent, Senator Steven D. Payne, Sr., put his hotel room key in  
20 the employee’s hand. Respondent’s alleged statements to the female employee constituted  
21 unwelcomed comments of a sexual nature and were in violation of Rule 808(b), the Legislature  
22 zero tolerance policy against sexual harassment, which incorporates by reference the  
23 Legislature’s Policy and Guidance for Prevention of Sexual Harassment in the Workplace of  
24 the Legislature of the Virgins Islands issued on February 9, 2005.

25           **CHARGE IV.** Code of Ethical Conduct, Rule 811(a). Rule 811(a) in pertinent part  
26 provides that “[e]ach Senator shall conduct himself or herself at all times, . . . in a manner

1 complimentary to the Senate and with dignity and respect for the high office which the Senator  
2 holds.” On February 28, 2022, Respondent, Senator Steven D. Payne, Sr.’s, comments and  
3 conduct did not avoid the glaring appearance of impropriety. Respondent, Senator Steven D.  
4 Payne, Sr., after allegedly luring a female employee to his hotel room, allegedly retrieved his  
5 handgun from a hidden place and proceeded to “clear the room” thereby displaying the handgun  
6 and making the female employee to feel threatened and intimidated.

7 **CHARGE V.** Rule 102(c). Pursuant to Rule 102(c), each senator must take the Oath of  
8 Office and must swear or affirm that the senator **“SUPPORT, OBEY AND DEFEND THE**  
9 **CONSTITUTION AND LAWS OF THE UNITED STATES APPLICABLE TO THE**  
10 **VIRGIN ISLANDS AND THE LAWS OF THE VIRGIN ISLANDS; THAT I TAKE THIS**  
11 **OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION OR PURPOSE**  
12 **OF EVASION; AND THAT I WILL FAITHFULLY AND IMPARTIALLY**  
13 **DISCHARGE THE DUTIES OF SENATOR WITH FIDELITY.”** Respondent, Senator,  
14 Steven D. Payne, Sr., allegedly violated his oath of office by his alleged misconduct toward the  
15 female employee on February 28, 2022.

16 **WHEREAS**, on July 6, 2022, the Committee on Ethical Conduct held a disciplinary  
17 hearing as required by Rule 810(l) of the Code of Ethical Conduct of the Rules of the 34<sup>th</sup>  
18 Legislature, at which time all the evidence before it was considered, and the Committee, by a  
19 preponderance of the evidence, found that Respondent, Senator Steven D. Payne, Sr., violated  
20 charges I, III, IV and V, specifically finding and concluding that:

21 (1) Respondent, Senator Steven D. Payne. Sr., violated Rule 801 by failing to  
22 conduct himself in a manner that reflects respectfully on the Legislature;

23 (2) Respondent, Steven D. Payne, Sr., violated the Legislature’s zero-tolerance  
24 policy against sexual harassment;

1           (3) Respondent, Steven D. Payne, Sr., violated Rule 811(a), by failing to conduct  
2 himself in a manner complimentary to the Senate and with dignity and respect for the high  
3 office which the Senator holds; and

4           (4) Respondent, Steven D. Payne, Sr., violated his oath of office he took in  
5 January 2021;

6           **WHEREAS**, the Committee on Ethical Conduct concluded that the actions of  
7 Respondent, Senator Steven D. Payne, Sr., warrants sanctions against him;

8           **WHEREAS**, pursuant to Rule 810(l) of the Rules of the Thirty-fourth Legislature, the  
9 Committee on Ethical Conduct may recommend that the Legislature take certain actions as a  
10 sanction for violation of the Rules on Ethical Conduct; and

11           **WHEREAS**, the Committee has recommended to the Thirty-fourth Legislature that the  
12 following sanctions be imposed against Respondent, Steven D. Payne, Sr.:

13           (1) For violating Rule 801(a): suspension for 15 days without pay;

14           (2) For violation of Rule 808 (b): suspension for 10 days without pay;

15           (3) For violation of Rule 811(a): suspension for 15 days without pay;

16           (4) For violation of Rule 102(c): suspension for 10 days without pay; and

17           (5) A letter of reprimand for violations of Code of Ethical Conduct; Now

18           Therefore,

19           ***Be it enacted by the Legislature of the Virgin Islands:***

20           **SECTION 1.** The Legislature of the Virgin Islands finds that Senator Steven D. Payne,  
21 Sr., has violated the following Rules of the Legislature's and the Legislature's Code of Ethical  
22 Conduct as follows:

23           (a) Rule 801, by failing to conduct himself at all times in a manner that reflects  
24 respectfully on the Legislature, for this infraction, Legislature suspends Senator Steven D. Payne,  
25 Sr., for 15 days without pay.

1 (b) Rule 808(b), the Legislature's zero tolerance policy against sexual harassment, for  
2 this infraction, the Legislature suspends Senator Steven D. Payne, Sr., for 10 days without pay.

3 (c) Rule 811(a), for failing to observe proper decorum to conduct himself in a manner  
4 complimentary to the Senate and with dignity and respect for the high office which the Senator  
5 holds, for this infraction, the Legislature suspends Senator Steven D. Payne, Sr., for 15 days  
6 without pay.

7 (d) For violating his oath of office under Rule 102(c), the Legislature suspends Senator  
8 Steven D. Payne, Sr., for 10 days without pay.

9 (e) For violating the Legislature's Code of Ethical Conduct, the Legislature shall issue  
10 a letter of reprimand to Senator Steven D. Payne, Sr., expressing the Legislature's disapproval  
11 of his conduct.

12 (f) Senator Steven D. Payne, Sr. is suspended from all legislative activities, including  
13 legislative sessions, committee meetings, caucus meetings, and any other meetings or activities  
14 held by the Legislature of the Virgin Islands for a period of 50 consecutive days. This suspension  
15 commences on July 21, 2022 and ends on September 27, 2022.

16 (g) The suspension of Senator Steven D. Payne, Sr., does not affect the Senator's staff  
17 or Senator Payne's ability to manage the affairs of his senatorial office.

### 18 **BILL SUMMARY**

19 The Resolution calls for the Legislature of the Virgin Islands to suspend Senator Steven  
20 D. Payne, Sr., for a total of 50 days for his violation of the Code of Ethical Conduct, the  
21 Legislature's zero tolerance policy against sexual harassment and Rule 102(c) of the Rules of  
22 the Thirty-fourth Legislature of the Virgin Islands.

23 **BR22-1108/July 18, 2022/YLT**