



Committee on Rules and Judiciary

Legislature USVI

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- 0:00:00 Thank you. We'll be right back. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. The meeting's scheduled for Thursday, August 22, 2024, for the Committee on Rules and judiciary has been called to order. Good morning, blessed good morning to the people of the Virgin Islands, to the invited testifier, to the listening and viewing audience, the legislative staff who's working this meeting today, and my staff. Committee members, we did it.
- 0:22:54 We were able to host one part of the inaugural legislative symposium. The event had been a long time coming, and I am proud to say that we did it. It was a success. On Monday, after the live ended, the committee members and I, we and some of the testifiers formed a work group to discuss more than 125 amendments. That was a yeoman's job. So I would like to take this moment to thank my colleagues for their active participation and look forward to the future symposium. This is why two years is not enough time for innovative thinkers in this body.
- 0:23:51 Colleagues, Senator Maurice James, Senator Franklin Johnson, Attorney Strudiron, and the testifiers, we huddled after the meeting, and we talked about some of these simple amendments that needs to be had. The goal is for the agencies to present areas of the VI code that require the urgent attention of this legislative body moreover as a legislator and most importantly as the chair of this committee I must provide all stakeholders with the opportunity to make the necessary time-sensitive well needed amendments to the code so on Monday this coming Monday August 27th 26-2024 at the St. Thomas Earl B. Otley Legislative Hall at 9.30 to 5 o'clock p.m. we will begin the meeting and break out into huddle and

reconvene to conclude with that vote madam clerk can you proceed with the roll call Senator Angel L. Borges, Jr. Senator Borges, absent. Senator Diane T. Capehart. Here. Senator Capehart, yay. Present. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Maurice C. James. Senator James, absent. Senator Franklin D. Johnson. Senator Johnson, here. Senator Carla J. Joseph. senator joseph absent senator milton e potter senator potter absent madam chair you have two present five absent i would like to acknowledge knowledge non-committee member as present Madam Clerk, are there any correspondents to be read into the record from any committee members?

0:26:14 Please proceed with the reading. Honorable Diane T. K. Park, Chairwoman, Committee on Rules and Judiciary, 35th Legislature of the Virgin Islands, 3022 Golden Rock, St. Croix, U.S. Virgin Islands 00820. Dear Senator Capehart, I hope this correspondence reaches you in the best of health and spirits. Please be advised that I will be slightly delayed in today's Committee on Rules and Judiciary Hearing. I note the importance of the agenda items and I look forward to weighing in on the discussions upon my arrival. I thank you in advance for your understanding. Sincerely, Kenneth L. Gittins, Senator. Honorable Senator Diane T. Capehart, 35th Legislature of the Virgin Islands, 3022 Estate, Golden Rock, Christianstead, St. Croix, VI-00820. Dear Senator Capehart, I am waiting to inform you I am unavailable to attend a Committee on Rules and Judiciary meeting scheduled for Thursday, August 22nd, 2024 at 9.30 a.m. in the Fritz E. Lowe's Legislative Conference Room, St. Croix, as I am representing the Virgin Islands at Democratic National Convention. I respectfully request to be marked as excused from this meeting. I am confident that the committee will have a productive and successful hearing. Thank you for your understanding and cooperation.

0:28:00 Sincerely, Angel L. Bolquez, Jr., the Honorable Angel Bolquez, Jr., Chair of the Committee on Culture, Youth, Aging, Sports, and Parks. Honorable Senator Dayanti Capehart, 35th Letters, State of the Virgin Islands, 3022 Estate, Golden Rock, St. Croix, VI, 00820. Dear Senator Capehart, I do apologize that due to a previous commitment, I cannot be present at the Committee on Rules and Judiciary meeting today, Thursday, August 22, 2024. Kindly excuse my absence. I regret any inconvenience my absence may cause. Thank you for your understanding. Kind regards, Maurice C. James. Maurice C. James, Senator, 35th of the State Charter of Virgin Islands. The Honorable Diane T. Capehart, Chairwoman, Committee on Rules and Judiciary.

0:29:03 Letter of absence from Committee on Rules and Judiciary meeting. Dear Senator Capehart, please accept this letter as a formal notice that I will be absent from the Thursday, August 22nd, 2024 Committee on Rules and Judiciary meeting scheduled to begin at 9.30 a.m. in the Fritz E. Lowe's legislative conference room. Kindly be sure to forward all documents and information shared at the meeting to my office. Thank you for your consideration on this matter. Sincerely, Carla J. Joseph, Legislative Secretary, 35th Legislature of the Virgin Islands. Madam Chair, that's the end of the correspondence. Thank you, Madam Clerk. are there any correspondence any testify testimony to be read into the record okay today's meeting has three blocks colleagues madam clerk can you please read the you summarize agenda into the record the committee on rules and judiciary has scheduled a meeting for Thursday August 22nd 2024 at 9 30 a.m. in a Fritz E. Lowe's Legislative Conference Room, St. Croix, Virgin Islands, to consider the following nominations and bills. Black One, Governor's nomination of Calford S. Martin, nominee Virgin Islands Coastal Zone Management Commission, District of St. Thomas. Governor's nomination of Calford S. Martin nominee, Virgin Islands Housing Finance Authority Board of Directors, District of St. Thomas. Block two, governor's nomination of Julian Penn, nominee Virgin Islands Taxicab Commission,

0:31:00 District of St. Thomas. Block three, bill number 350224, and act amending title 19, part five, chapter 45, 45, Subchapter 6, to increase access to behavioral health services with a focus on psychiatric emergency response team to provide mobile crisis intervention services and the 988 telecommunications system, sponsored by Senators Diane T. Capehart and Ray Fonseca. Testifiers, Usta Encarnacion, Commissioner, Department of Health, Hazel M. Philpert, Interim Chief Executive Officer, Governor Juan F. Louie Hospital and Medical Center, Tina Comercon, CEO, Snyder Regional Medical Center, and Sandra Sitori, Executive Director, VI Public Service Commission. Madam Chair, that's the end of the agenda. Thank you Madam Clerk. Please mark Senator Boulkes, Senator Carla Joseph and Maryse James as excused, Senator Gittins as tardy. Colleagues, I just want to say the Committee on Rules and Judiciary, for those who are listening and viewing, this is the clearinghouse of all the bills this is the committee we're nominations for boards and Commission so thank you for coming colleagues to work so we have our first testifier on the floor I would like to do some housekeeping first mr. Martin if

0:33:00 If you can please stand and take the oath. I'm sorry for the inconvenience. We were expected to be in St. Thomas today to have that face-to-face. So due to some logistical issues, we were unable to attend this in St. Thomas. So please forgive my staff and I for not physically being in the St. Thomas office, but this meeting will proceed still.

0:33:30 I would ask you to raise your right hand. Do you solemnly affirm, under penalty of perjury, that the testimony you will give to this committee will be the truth, the whole truth, and nothing but the truth, to the best of your knowledge and

belief? Yes. You may be seated. Thank you. So colleagues, we have in block one, we have two, the governor has nominated Mr. Calford S. Martin for two positions.

0:34:16 This is the Virgin Islands Coastal Zone Management Commission on the District of St. Thomas. The governor has nominated Mr. Martin also for the Virgin Islands Housing Finance Authority Board of Directors for the District of St. Thomas. To make it an easier process, we are going to have these two nomination positions in one block. So we'll have the opportunity to ask questions on both of these boards and commission. So at this time, Mr. Martin, I would ask you to say your name into the record so the stenographer could, and we can also test your mic. If you can please state your name on the record.

0:35:15 Alfred S. Martin. Thank you. Mr. Martin, thank you for your willingness to serve on these two commission, the Commission and the Board for VI Housing Finance Authority for your willingness to serve. So you will be asked questions today on both of these entities. You may proceed with your testimony into record. Colleagues, everybody received their testimonies I would think I didn't hear anybody say anything okay mr. Martin you may proceed with the reading of the testimony you start with the Virgil the Virgin Islands Coastal Zone Management Commission and then after you're finished with that one then you go into the Virgin Islands Housing Finance Authority Board of Directors you may proceed good morning Senator Diane Capehart, Chairperson of the Committee of Rules and Judicial of the 35th Legislature of the Bridge Down.

0:36:22 Good morning as well to all the members of the committee and senators present, those in attendance, in the listening audience, and viewing audience. My name is Calford S. Martin and I have been nominated as a board member to the Coastal Zone Management Board. First, I'd like to thank the Honorable Governor Adeleba Bryan for his confidence in recommending me to this board. I have been a member in this community for the past 50 plus years. I am a member of the first graduating class of the Vani Dora Camp. After completing my high school education, I spent my first year of higher education at the College of the Verge Town. At that stage, I was a part-time employee and junior manager at the Pueblo supermarket. The assistant manager at that time, Mr. Carlos Rubio, took a light in me and suggested I attend school in Puerto Rico where I could learn a second language. I applied in July of 1976 and was accepted to the Inter-American University, Puerto Rico. At Mr. Rivio's recommendation, I also accepted a part-time job in Pueblo Supermarket in San Tula, Puerto Rico. It was a shocking experience at 18 years old. This was my first time living away from home and speaking in another language. However, after my first year, I learned and communicated in Spanish frequently.

0:38:00 My senior year in college brought another shocking experience with job recruitment. As a young African-American with a degree in accounting and bilingual, I was on the recruitment list for the federal government. The United States military, the FBI, Department of Interior, most of these large federal agencies were looking for diversifying with young people of color. After several interviews, I was forced to turn them all down. Every job required relocating out of the United States, Virgin Islands. At that time, I was needed by my family to help raise my remaining younger siblings.

0:38:48 Instead, I joined the local tax office, which is now the Virgin Islands Bureau of Internal Revenue as a tax auditor. The last two years, I was again offered a federal job. In April 1983, I joined the United States Small Business Administration, where I was finally offered the ability to remain in St. Thomas. Primarily, and it was the best career decision I have made. The local manager, Mr. Lionel Baptiste, took me under his wing. educated me regarding the local business landscape. He molded and prepared me to lead the agency upon his departure. He taught me the ins and outs of the federal government and today I am very grateful for that experience. I've also had the privilege of serving as a co-owner and manager of the Havenside Pharmacy from 1995 to 2015. During those 20 years I had the opportunity to further learn our community identifying and addressing needs for those who are most vulnerable particularly the sick and the elderly all of these experience across my career have shaped me my commitment to this community as a member of this board i hope to use these experience to benefit our community i am eager to meet with other board members to learn what current project are underway and see how I can use my knowledge and experience to help accomplish these goals. My future goals, if possible, will be to visit the sites with managing directors to determine if regular protocol measures have been adhered to in both Tier 1 and Tier 2 of CZM laws i am aware that the volume of the coastal zone management permits and federal consistency

0:40:55 determination required hearing and reviews has exponentially increased as a result of the recovery projects following the devastating hurricanes in 2017. additionally the commission is participating in the review of developing comprehensive land and water use plan which when completed will provide a framework for territorial development with the potential of eliminating spot zoning and unifying from under one tier it is my intent to become better acquainted with the specifics of the plan as a member of the ccm commission in closing i would like to reiterate my thanks for you trust and afford me a membership on this board you have my word that I will do my best to assist in meeting any and all the goals and

objectives of this community thank you for your time and attention I proceed with the next reading Mr. Martin, you may proceed with the second testimony.

0:42:18 Okay, the only difference on this testimony, well, let me just read it the same way. There's two things different on this testimony, which will be mine. Okay, I'll go ahead again. You want to start with the goals and aspiration, because if everything that you just read, As to your professional history, your personal is in the second testimony, you can just proceed into goals and aspiration.

0:42:47 Perfect. Goals and aspiration. As a returning member to this board, I hope to use the experience to benefit our community. Please note, I am a former member of the Virgin Housing Finance Authority Board, a position of which I am greatly enjoyed and am eager to return. While on the board previously, I encountered the then commercial manager of Banco Popular of Puerto Rico, who was seeking a senior commercial manager for the U.S. and British Virgin Island branches. As a dual resident of both territories, I was a natural fit for the position. However, this unfortunately created a conflict of interest with my position on the board, leading me to my departure.

0:43:35 In my time with the bank, I was able to re-rent myself with recent changes to standards in commercial financing, something I believe will be beneficial to me returning to the Board. Since my departure, Virgin Allen Housing Finance Authority has grown from a small agency of a budget of \$4.6 million and a staff of 35 to a growing agency with a budget of \$26.5 and staff of a hundred employees. The authorities' responsibilities have expanded from the sale of lots and homes and management of real property inherited from the former housing parks and recreation, an agency overseeing multiple federal assistance programs to include COVID pandemic relief program, hurricane recovery assistance program, the mortgage assistance program, just to name of you. In closing, I would like to reiterate my thanks for your trust in affording me membership on this board. Again, you have my word that I will do my best to assist in meeting any and all the goals and objectives in this community.

0:44:48 Thank you for your time and attention. Thank you Mr. Martin and thank you for willingness to serve on one board and one commission are you presently retired yes I am okay so full-time you have you can give your your whole service to this community now I'll try my best well I just have to say that I do personally know you and for the time that I've known you during your professional career you've always been a professional and the Commission that you the governor has asked you to be on the want to make sure that I have my names right I think we recently had a nomination for the Virgin Island coastal Zone Commission. Have you familiarized yourself with CCM rules and regs as it pertains? What would be your responsibility to serve on this Commission? I did have a chance to peruse some of the rules and regs. I have not that broadened it extensively. I will wait until I meet with my former board members and get the opinion to see what direction they're going and how I can peruse to these rules and regs to assist them in moving forward. Have you ever served on any kind of environmental board? I've never served on an environmental

0:46:39 board no no I have not okay have you thought about even before I go to my colleagues I just want to ask have you ever thought about like what would be some of the things that you want to see happen as a former employee at DPNR I'm very familiar as to what the responsibilities are for someone serving on this commission and understanding the responsibility of what happens, the activities that happens in Tier 1, Tier 2, the permits that would come through in Tier 1 is what you would review.

0:47:27 And then you mentioned that you served previously with the Virgin Islands Housing Finance Authority board of directors so you would be you you understand your your whole fiduciary responsibilities of serving on this board that is correct yes yes I do okay colleagues because this is for two one board one Commission I will give a total of seven minutes for mr. Martin starting with Senator Johnson you may proceed good good morning thank you very much madam chair good morning to my colleagues good morning to the viewing and listening audience good morning to the nominee good morning mr. Martin how you doing good morning senator how are doing fine thanks it's been a while and i haven't even seen your face and sorry that i'm here and you're there nevertheless i go ahead the crew to come over here this morning that was the last conversation i had right yeah i can understand that i i definitely want to say thank you for your willingness to serve um it's a difficult thing getting uh people in this territory to want to offer their service to for the betterment of the territory but many times you hear the cry we're not doing this we're not doing that we're not getting this done we're not getting that done you know and people need to start doing something and being a part let's not sit in the bleachers and wonder why it's not happening find out how and where you can solve this territory and make this place a better place for all of us so i definitely want to say thank you for your willingness. But I definitely want to start on where you left off, which is UIFHA and what is your long-term and short-term goals because this is something that you're pretty much familiar with and you understand that we have this shortage of homes and the need for these type of things. So just give me your long-term and short-term goals when it comes to Virgin

- 0:49:43 islands housing finance authority board and directors as i stated in my my testimony this organization has changed tremendously since i left yeah their duties has increased over 300 percent employees increased over 300 and as a resident of these islands i drive drive around and let me let me go back another way as grand i do a lot of sailing in my retirement recreational sailing okay and it's appalling to be on a vessel sailing and see homes today with blue tops on and it's happened throughout the saint thomas st john district saying great too well i i thanks but i haven't seen this but anyway i've seen this happening and we need to address this i mean people at this time in their life years after should not have to be fetching bucket to catch water for lack of a better description and if i could make a change in people's life in that i think that would be one of the first priority i would try to do those homes that are in top still today in blue tarpoli and let's see if we could help these people live in the void family i i i appreciate hearing that and um it's been a big pet peeve for me being here in the senate and seeing the different uh programs in vision and different one come forth and uh sometimes people say i'm a little harsh and hard but every time it rain and the island of st croix we had a lot of rain last night especially on the Fredericsted end and every time it rains I think on
- 0:51:34 these folks I do some walking in my neighborhood and I have a neighbor that's on that envision program just waiting to to get his own fix and more than one of my neighbors but every morning that I pass by and I see them sitting on their porch it just it hurts me it really hurts me because I know what happened to them last night. I know that they were mapping, cleaning, and doing it over and over again. So if there's anything that is needed, a push for sure is that. And I'm glad to hear that you say that. And you're also saying, you know, you haven't sit on a CZM board, you know, but, well, let's stick with this here. Well, still, what do you think is our biggest coastal zone problem, if there's any issues that you might consider to be a problem? You're doing some sailing, so you should be seeing some stuff out there.
- 0:52:36 Since retiring, I have been an avid sailor throughout high school. I've been part of the Sea Explorers, a group that has died out since I left high school. And we would recreational sail around the U.S. Virgin Islands, St. Thomas and St. John. And now I've been advanced to the British Virgin Islands. And what is hurtful at times is to see people building and making it difficult for our residents to have access to some of the most beautiful and private beaches in the Virgin Islands. Okay. Now, as you know, I believe in climate change. I believe it is real. I experience some of the different climate change that what happened to our shorelines. How do you envision Calvaryton with the CGM board members, particularly in addressing these challenges posed by this climate change that we all know is real? Yes, that's something that I have noticed tremendously myself, living here now in Fortuna, overlooking John Bruce Bay, every time we have a heavy rain, the whole hillside is in the ocean. If you looked at these islands previously, most shoreline had what's called a salt pond, where the water would run off from the hills settle in this south pond take all the the what you say the garbage that will go to the ocean filter it and just let the water out but what we have done over the years in building is we have opened these south ponds so now everything that comes from the hills goes right into the ocean and we need to police that because the next generation of Virgin Islanders, they're going to have no beaches because all the sea life around
- 0:54:42 the shorelines will be destroyed. I understand that and I sure do hope that we can address these concerns. I am seeing more and more where the shoreline them are just eating away and I could see the problem down the line if we don't start concentrating and taking better care of the land, inland, because as you say, everything goes down and head dead into the water. Now, you said that you are a full retiree.
- 0:55:15 Yes, sir, and I hope you all don't overdo it. Well, you're still a young man. I think you still got some energy in you, and I really appreciate your willingness to solve, and I wish you the best in your endeavors, and I definitely will be supporting you on of these uh boards and commissions so that you could stay busy because when you and you get up in these numbers sitting down ain't a good thing for too long so staying busy and active is is is always a blessing keeps the heart pumping keeps the mind going so i wish you all your best in your endeavor and these two uh boards thank you very much for your willingness to solve thank you senator and i try my best to continue so the people of the u.s watch down Thank you. Thank you, Senator Johnson, for your line of questioning. Yes, global warming is in full effect. And with that, we have to, when we are reviewing these major, well, when the CZM Commission is reviewing the major permits, which requires you to have public hearings, for environmental assessment reports, and having input from the, even public agencies, it's very important that when you're making these decisions that you think about what's impacting our natural resources. How can we protect our natural resources? And also looking at, you know, the open shore, the open, what do you call it, the open shore act, where, you know, we've seen an escalation of individuals who have built on the coastal areas and have
- 0:57:14 actually blocked out our local people to access the beaches which has created major problems and you know i can't remember if the commission looks at these laws also but these are some of the things i'm telling you mr martin that you may encounter what when you pass this committee and you're elected and you start serving um that these may be some of the things that you have to look at the open shore line act um and how it impacts the the territory with coastal zone

management um senator putter you may proceed with your seven minutes thank you thank you very much madam chair good morning to you mr martin welcome thank you very much for your willingness to serve for sure uh this is a unique situation because this is the first time that i've seen one nominee being confirmed for two boards so i think it obviously speaks to the confidence that the governor of the virgin islands has in your abilities and um i i wanted to start by just asking you since you served on the hfa previously you were just explaining um your reasons for leaving what lessons would you say you learned during your last stint and how would you bring whatever lessons you learned back then to your current um you know your current tenure or your current um tenure that's probably not the right word on the board okay since i've been removed from the board what i have observed over the years is the amount of money that this board has in the cupboard as someone who has spent his entire life in finance you should have a completion period to utilize those funds and by establishing that period you should have a plan of how you're going to do throughout the entire Virgin Islands there's no reason why we should have that kind of money's coming in and the money's just sitting there and not being used we have to impose a plan to get that money's out in our community and protect the citizens of the United States Virgin Islands

1:00:12 Absolutely. And we can count on you to be a lightning rod to get things done. I know that is the big thing in this community when it comes to the hurricanes that took place in 2017, close to seven years ago, is, you know, you mentioned the tops and roofs. We had a period where the Envision program, in particular, I think that has been viewed as the test of whether or not we are getting somewhere as far as our recovery. And the Envision program has really been a struggle, getting folks roofs repairs, homes repairs. It's really been a struggle. a struggle that program now has shifted from housing finance authority to the office of disaster um recovery so that's not something that you would be dealing with directly now now shifting gears a little bit to uh ccm i know your background as a fiscal person a banker uh entrepreneur what skills what attribute do you think you bring to the czm board as you stated my entire background is financing uh buildings property for for development one of the things i try to critique in the development of of property is how would that property how would the development of the property on a land affect the future use of that property for generations to come uh an example one of the things that we overlook in my opinion is the natural terrain of the islands and anytime you put a construction project in the natural flow of water the waters are going to find the weakest link and sometimes the weakest link could be your neighbor's land i've seen it happen

1:02:26 and one of the things i did in most of my financing i would go and do a site visit to ascertain that what you are doing is in the best interest and some people have chewed me out Frank with you, I'm the worst guy I've walked the street, but years later, they'll come back and say, Martin, I didn't see what you saw. How do you believe public education plays a role in effective coastal zone management? the issue i have with that with public education sir you only find a few people in this community who understands coastal zone management uh i was fortunate that i learned a lot of my coastal zone by sailing around these islands because you can see the contour you can see the development you can see the rock floor and that's why i i would be interested in having some kind of organization within the educational system that will take these young minds and put them on the ocean so they can see what we have do you believe in your role on the board that public education that there can be a role for public education for the board to formally develop education initiatives so that young people in particular may begin to understand the importance of coastal zone management you know in just based on where live and the fact that we rely on our environment for bread and butter is that something that you and the board can prioritize as a major role and function of the ccm board in addition to all the other things that you have to do uh senator i think that could be a tall order um the last communication i had with some of our educators and someone correct me from wrong their educational direction comes from above what they can teach in the educational system

1:04:43 and although we may see something that we think is pertinent to our our uh living stand living here unless that's approved from above they can't teach those things in the school system that's what i was told what about initiatives like public service announcements that you know maybe working with dpnr to formally develop public service announcements for radio for tv for social media so that we can bring a level of awareness in this community and i'm particularly concerned about young people the older generation is um you know our day our sun is setting so to speak we still have time but i think it's critical for young people who are inheriting this planet to have an understanding of the preservation of our environment of managing our coastal zone so when i say an educational campaign not just necessarily in the curriculum in our schools although i think there's a space for that but in just doing public service campaigns and announcements and initiatives um to get the word out you know so that you know it's a partnership you know it's not just going to be somebody passing a bill to make everything right I think community citizens have a role and a responsibility to play also in terms of the preservation and protection of our environment so I was just thinking about you know doing some outside-the-box types of initiatives to bring awareness um you know food for thought excellent thank you very much did she say time time was called but it's okay senator it's if you have further questions you may proceed okay um ain't to say like we have a i'll take i'll take you up

- 1:06:36 an hour for um madam chair what motivates you to serve on these two boards and that'll be my final question for you housing finance authority board i really and truly enjoy that that's my career in lending and i had to leave that board when banco popular offered me a position it was a conflict of interest so i i'm going back to where i was when i enjoyed i was doing when i was asked to to be on the cesium board like i said earlier i have been sitting around these islands from the time i was in high school and to see the development that's going on on these islands that excluding the majority abortion islanders it's it's shocking you have some of the best beaches in and on st thomas that are private that none of us have ever seen because we don't sail around the islands and if i think if we were educated on that we would have an interest in preserving it for the next generation okay thank you very much mr martin for your willingness is solved at the appropriate time i am definitely willing to give you an opportunity um to solve in these two very critical uh positions thank you very much thank you very much madam chair thank you senator potter for your line of questioning now i will go to uh the honorable ray fonseca and saint thomas uh non-committee member thank you for attending health hospitals and human services chair you may proceed with seven minutes please recognize senator Fonseca's mic thank you thank you so kindly madam chair ladies and
- 1:08:35 gentlemen um we have to always remember that right now the dinghy fever is um is getting um to be a very serious matter in our community i was with the commissioner of health um at a conference this week and um the amount of cases that we have in the territory is um quite concerning So those areas that have stagnant water, you know, old tires, a bucket, please go out and empty those areas with stagnant water. The dengue fever is caused by the Aegeus aegypti mosquito, and it's a serious matter. So please, you know, mosquito spray and thing, fix it up. And we must always give thanks and praises to the Most High Blessings.
- 1:09:30 Well, sir, Popeye, you know, um, Carl Ford Martin, you know, I call him 4D. So I like the people of the Virgin Islands to know that, you know, they always tell you, you could pick your friends them and you could see who you are. Well, this gentleman here, Carl Ford Martin, um, is my best friend. As a matter of fact, he's also my brother's best friend, and his brother, Calvort Martin, is also my best friend, and his brother, Calvort Martin, and my brother is best friend. So he's a real Bovoni man. I think we grew up from about five, six, seven years, and we remain best friends. You know, he's the type of friend that, you know, his mother funeral, his father funeral, my mother father, we can't miss nothing. We hang out together. But, you know, I want to tell you some more about this man. Because before he was the manager, sister manager of Pueblo, he was a bagger.
- 1:10:38 He used to bag the groceries. At the time, I used to sell newspaper, you know. Now, Carl Ford Martin has always been an outstanding individual. You know, I remember in high school, he had an MG, a bad ride, an MG in high school. But he had saved up the money to buy an MG. Every morning, he outside cleaning up that MG, shining, going to school, out of your door again. So we've had a good life together. but i want to talk to you about the seriousness and his finances because he was able to build his house um and people will go now drive by the house and say oh he got money and think paul ford martin used to use my truck i used to use his we would go and we would give water okay from the standpipe we would give water to go and mix concrete cement when i had two sheets of plywood and i was shot i would call him i said listen um 40 i need piece of plywood come play with here borrow me some plywood you know this is the type of you know person listen he's a he's a generous man hard working i remember you know he also does used to do taxes um the best accountant in the virgin islands by the way he worked at the irb in the evenings we would you know do little part-time job we'd work for attorneys do billing and thing you know do tax preparation everything to be able to better your lives because you know we we came from modest means we our parents didn't as much as as matter of fact my father and his father were best of friends too so you know it's a whole community um that you know has effort has been into mr martin's
- 1:12:34 lives. Outstanding individual. He was also the head of the Small Business Administration. When he was at the Small Business Administration, just his signature alone helped create many businesses in the Virgin Islands. All you needed was Carl Ford Martin's signature, and you can get a Small Business Administration loan. He's retired. um you know he i'm so glad that he uh he don't want a full-time job this is all he wants you know he lives in tartola and he lives in st thomas but um i see he's spending more time now in st thomas than in tartola so that's good you know this is an outstanding individual a real integrity he's come he comes with perfect integrity accountability transparency this gentleman here that the governor has nominated for both the Housing Finance Authority Board and the Coastal Zone Management Board is what is right about our community. Not because he's my best friend. I'm telling you, this is a very, very good decision. Colleagues, I don't have a vote in this committee, but I do have a vote when his nomination, and I'm recommending that his domination be favorably considered in this committee. And so I do have a vote when it comes to the session. And I'm hoping and I'm praying that Mr. Calford Martin will be giving you a favorable consideration. But I want to ask him a question, you know, because I can't take the opportunity to let this go by where my best friend now has to answer my question. You know, spoke last night about it but we didn't rehearse this question no we are not we didn't

- 1:45:34 Excellent on the shoreline response. Now, what about the Housing Finance Authority Board? I was a previous member of the Housing Finance Authority Board, and I accepted a position as a commercial manager with Banco Popular, and because of that public position it was a conflict of interest with the Housing Finance Authority board because Banco financed some of their projects so I had to remove myself from the board in order to fulfill my obligations at the bank great so that means you understand the importance of understanding conflicts of interest so i don't have to ask you about that so thank you for that uh and you know that the first response you gave was one of the responses that i did hear uh from you earlier and you put a big smile on my face and a big question mark in my head because i was wondering well what era he went to school because i sure remembered uh sea explorers during my time going to high school and that program did excite me as well um sadly uh it's not around today so um thank you for your interest there now have you familiarized yourself with both the organization's mission i have sir you have and yeah have you um had a chance to review uh i think it's oh boy just left okay title 12 of the virgin islands code section 904 as it speaks to
- 1:47:25 the coastal zone management commission I'll stick to that one since you served on the housing finance authority board before but have you had a chance to review any section or any part of title 12 section 904 no I have not said and I wish I wish you would because that's that will tell you basically what your duties and responsibilities are it speaks to the creation of the coastal Zone Management Commission and you would have been able to tell me what was wrong in the first part of that section as I read it now and madam chair that's why you're hearing two days ago was on point with regards to making necessary changes to the Virgin Islands code in parts section 904 of title 12 speaks to the coastal zone management Commission being created within a department of conservation and cultural affairs we no longer have a department with such name today it's known as the Department of Planning and Natural Resources so this too is something that we need to be looking at to update our code information to ensure that we're in sync all throughout the code so I'll encourage you to look at that section and see if you find anything else that may need amending
- 1:49:25 to that code and again it's title 12 Virgin Islands code section 904 I'm a little disappointed that you haven't looked at that yet but I wouldn't hold that against you but I'll ask that you review that section of the code do I have a commitment yes you do senator okay and lastly um i peruse over everything but i have not dove into it with um the ability to to expand on it understand but if you tell me i'd even peruse this one and not delving i would understand but you said you didn't even look at it but um Lastly, I wanted to make one of my concerns known again.
- 1:50:11 We had a zoning discussion here in the legislature some time ago. And DPNR was before us, and it was with a beachside property. And when they showed us the pictures on screen and showed us the boundary lines. One minute. I truly had serious concerns again as those boundary lines went from the roadside straight down across the property and into the water.
- 1:50:50 Actually, through the sand to the water's edge. That, to me, was truly concerning as they stated the manner in which the law is written that the individual property owner has rights right into the water I have a problem with that as we know about the access to our shorelines however in conversation with one of my colleagues just know my colleague from Frederick said he stated that he is in in conversation with the proper authorities and should be having an amendment coming to address that shortly. But I'll ask you, Madam Chair, and I'll wrap up here. You may conclude. Thank you. I'll ask that upon your successful nomination and swearing into this board, that you also look into that and work with my colleague in addressing this obvious problem post-haste. Also, what I'm seeing with those type of zoning on the water side is that the government or the board should establish that boundary line in between two properties to ensure public access to our beaches and not have it be determined between the property owners.
- 1:52:20 Because if I don't want to give up anything my neighbor don't want to give up anything then where do the people have beach access to so we could have a conversation further and that so that we can have a better understanding at the appropriate time i'll cast my vote uh thank you madam chair for the time and again thank you to the nominee for his willingness to serve in the capacity thank you senator gittins for your line of questioning uh at this time i will entertain a motion for the governor's nomination of calford s martin nominee for the virgin islands coastal zone commission do i hear a motion uh motion senator potter thank you very thank you very much madam chair i move that the governor's nomination of mr calvert S. Martin to the Virgin Islands Coastal Zone Commission, St. Thomas District, be favorably considered by the Committee on Rules and Judiciary and forwarded to the full body for further consideration and action. I so move. Motion properly made by Senator Milton Pata and seconded by Senator Franklin Johnson. Madam Clerk, may I have roll call on the nomination? Senator Angel L. Borges, Jr. Senator Borges, Jr., absent. Senator Diane T. Capehart? Yes. Senator Capehart, yay. Senator Kenneth L. Gittins?
- 1:54:01 Yes. Senator Gittins, yay. Senator Maurice C. James? Senator James, absent. Senator Franklin D. Johnson? Yes. Senator Johnson, yay. Senator Carla J. Joseph? Senator Joseph, absent. senator milton e potter yes senator potter yay madam chair you have four yeas three absent thank you the governor's nomination of calford s martin nominee for the virgin islands

coastal zone commission district of saint thomas has been voted upon favorably by the committee of rules and judiciary and will be reported out of this body to the full body for full consideration do i hear a motion motion motion senator potter thank you very much madam chair i move that the governor's nomination of mr calvert s martin to serve on the virgin islands housing finance authority board of directors from the district of saint thomas be favorably voted upon in the Committee on Rules and Judiciary and forwarded to the full body for further consideration and action. I so move. Motion properly made by Senator Milton Pata and seconded by Senator Franklin Johnson. Madam Clerk may have roll call on the nomination. Senator Angel L. Borges Jr. Senator Borges Jr. Senator absent. Senator Diane T. Capehart? Yes. Senator Capehart, yea. Senator Kenneth L. Gittins? Yes. Senator Gittins, yea. Senator Murray C. James? Senator James absent. Senator Franklin D. Johnson? Yes. Senator Johnson, yea. Senator Carla J. Joseph? Senator Joseph absent.

1:55:58 Senator Milton E. Potter? Yes. Senator Potter, yea. Madam Chair, you have four yeas, three absent. Thank you, Madam Clerk. The governor's nomination of Calford S. Martin, nominee for the Virgin Islands Housing Finance Authority Board of Directors, District of St. Thomas, has been voted upon favorably by the Committee on Rules and Judiciary, and will be reported out of this committee to the full body for full consideration. Well, congratulations, Mr. Martin. You have passed the first major hurdle in the Committee of Rules and Judiciary.

1:56:42 I would like to say congratulations, and thank you again for your willingness to solve. It's important that if individuals with their expertise and their knowledge, When the governor asks that you serve on a committee, serve on a commissioner board, that if you love this community, you love your island, please say yes. My colleagues and I, we look at things that what makes sense and your experience and your personality, your temperament to see if you would fit in this board and I think you have successfully passed this hurdle and I'll give you this opportunity to say some closing words. Mr. Martin. First I want to say thanks to the governor governor Honorable Governor Adeline Bryan for nominated me to these two boards and I want to thank all the members of this community for taking the time out and giving me approval to join this body and I give you my word I will do my best as I have done the past to contribute to the betterment of the United States Virgin Islands thank you mr. Martin and colleagues we would take a quick recess to bring our next nominee into the well committee of rules and judiciary stands in recess.

1:58:43 Thank you. We'll be right back. [2 such phrases repeated 8 times · standby audio before the proceeding, transcribed by the recogniser as speech]

2:02:43 We'll be right back. Thank you. [2 such phrases repeated 11 times · standby audio before the proceeding, transcribed by the recogniser as speech]

2:08:13 The Committee on Rules and Judiciary is out of recess. Senator Gittins, do I hear a motion?

2:08:57 Thank you, Madam Chair. Madam Chair and colleagues, I move that Bill No. 35-0224 in Block 3, an act amending Title 19 of the Virgin Islands Code to increase access to the behavioral health services be removed from today's agenda I so move properly moved by Senator Gittins and seconded by Senator Johnson hearing no objections so ordered we will proceed in block two with our not governor's nomination of Julian Penn nominee for the Virgin Islands Taxicab Commission, the District of St. Thomas.

2:09:45 Good morning. Mr. Penn, if you can please stand and take the oath. This is some of our housekeeping we do in the Committee of Rules and Judiciary. If you please raise your right hand and repeat after me, do you solemnly affirm under penalty of perjury, that the testimony you will give to this committee will be the truth, the whole truth, and nothing but the truth to the best of your knowledge and belief. Thank you.

2:10:21 Thank you. You may be seated. Good morning, Mr. Julian Penn, and welcome. and thank you for your willingness to serve in the Virgin Islands Taxicab Commission on the island of St. Thomas. We appreciate you. And are you ready to read your testimony into record? Before you do that, if I can please make sure that your mic is working by saying your name make sure the mic is right in front of you so we can hear you clear if you can just put your name on the record Julian and thank you mr. Penn you may proceed with the reading of your testimony to the committee okay good morning the honorable members of the 35th legislative legislature my name is Julian Penn and I am honored to be nominated at to serve as a board member on the Taxi Commission with over 40 years as a Virgin Island taxi driver and eight years as an owner and operator of driving school in brooklyn new york i hope to share my extensive experience with board with with the board for the next three years if appointed i look forward to working with you to improve our taxicab services as well as addressing our related issues such as customer

2:12:11 services and hospitality just to name a few a vital improvement to the service to provide to our customers is an implementation of a zero smoking policy in vehicles used to transport passengers this will eliminate potential risk to customers with health moral concerns and improving the overall customers experience it is very important to set a standard on the type of service we provide as it would increase customer satisfaction as well as the likelihood of a return

in customer I also like to increase efficiency by ensuring our customers get to their destinations in a timely manner The intersection by the Emancipation Garden and Grand Hotel accumulates a lot of traffic, making it difficult to make the iconic experience for customers. I propose expanding the street, in other words, that's like no parking on the street between the Grand Hotel and the Emancipation Garden, but rather than two lanes, it would be one going east. Okay, I propose expanding the street to two lanes, but it's supposed to be just one of them with no parking. Increase the flow of traffic, inflow the flow of traffic. Lastly, the service we provide weighs heavily on customer service. Therefore, the TaxiCap Commission should implement a customer service and hospitality training program with continuing education for new and current taxi drivers to provide that cohesive five-star service.

2:14:24 My vision is to enhance the safety, reliability, and overall quality of taxi services here in the U.S. Virgin Islands. As it relates to taxi license and issuance, I propose an individual interested in becoming a taxi driver should be a resident of the U.S. Virgin Islands for at least five years plus consecutively and successfully complete a knowledge test. Next, this will allow adequate time for potential taxi drivers to get acclimated to society, complete customer service and hospitality training, learn the culture and understand or demonstrate basic knowledge of tourism in the Virgin Islands. Again, setting the standard with the exceptional service we provide to our customers. currently the commission has a medallion act auction for veterans which is open to vi veterans only however i would like to propose a similar opportunity for recent u.s virgin islands high school high school graduates who did not graduate that it is interested in pursuing a career of inter in entrepreneurship as a taxi driver although these individuals lack necessary skills and education this will be an opportunity to groom or future taxi drivers allow them to generate income and contribute to the growth of our society in conjunction with the current procedures for securing a medallion through the commission the requirements are as follows obtain a high school diploma or equivalent from one of the high schools in the territory two letter two letters of

2:16:52 recommendations from their teachers a training course on course service hospitality and basic understand of tourism in the virgin island then every two years thereafter and four for fees associated with obtaining the medallion in other words they have to pay for the medallion if i if i if i am appointed i look forward to looking to working with the director or the board members and staff to achieve our shared goals collaboration is a key to our success Thank you for this opportunity and allow me to come before you to share my presentation. Thank you. Thank you for your testimony that you just provided to the committee members so I will go to a line of questioning colleagues senator Potter senator Franklin is not prepared so he not prepared but he acts he used to you so you may proceed. Five minutes. Thank you, thank you very much Madam Chair.

2:18:32 I also want to just say good morning to you Mr. Penn and thank you very much for your willingness to serve in this very important commission, VA taxicab commission. The way that I look at it, the taxicab commission is so critical it is the gateway to our economy tourism is our economy and the folks who bring our tourists through and from the airport to and from the various hotels those people are key for commerce to take place and it is something that we ought not to take for granted um so your willingness to serve in this position i think is very uh commendable i love the idea of the zero tolerance uh smoking policy that you suggested, and I also am interested and excited about this initiative that you're suggesting to allow medallion opportunities for recent high school graduates to get involved in the industry. Definitely the industry is aging, and to have a fresh cadre of young Virgin Islanders excited and engaged in the industry makes a lot of sense to me.

2:19:59 So my first question to you is, what is your main motivation? What is driving you to be a part of this commission okay i think there's a lot of room for uh airing hospitality and also customer service i think that is lacking i think you need some training there we just need training in overall an entire industry like you said is a very critical area it's very important to the economy very very important and i also like to see that um taxi drivers be more uh friendly in terms of dealing with the customer the customers i think that some of our roads needs to be looked at because thereby windows plaza there is a kind of bottlenecking right there and you got two traffic coming in they're westbound and eastbound and then you have people crossing from uh uh uh crossing from the vendors venezuela yeah coming over on the other side and it's scary because when you have a lot of boat in when you have a lot of boat in in town i mean you know people just they used to drive on the on the right hand side of the road and they're gonna look in a different direction there's somebody who on the left and when the drivers get up there the anxious they want to get and go i mean you know and it's difficult and i'm it's scary and people walk in you're not noticing anything and it costs a lot of patience and what i was saying is that if you could be

2:21:50 encouraged to people who don't have to go up garden street who's not going to the post office who's not going eastbound by uh by the uh grand hotel and the emancipation garden if you're going all the way up just trying to get away from the traffic there it's no good so my suggestion was if that no does anybody know i'm talking about between emancipation garden and the grand hotel that's a one with traffic going east right but when they get up there it goes like this you're

going out south and other guy going like straight up more than before you go on on the main street and if they will remove the parking from on that street between the hours of six until until seven o'clock in the evening and this will only be on ship days and there are no ships then it can be normal because it won't be too bad but and i think that will get the traffic out of there real much faster wherever they're going the guy who going west he don't have to wait on the guy who going east because he got his own lane who's going out so i thought it was very important also garden street where command and garter they have a street coming up garden street there that light is come down you can make a left on going east you can go west on the main street and it they need some kind of a yellow line two yellow lines there that a guy who's making a right turn on garden street i mean on the main street he would not come over on the right because he'd be blocking the guy who's westbound and want to go down the street because he'll have to wait until this guy moves from there and it might take a while because the guys who coming down just keep coming it just keep coming you know so it's not even as part of some mistakes in the middle like they have by vendors class yeah i think that could be very useful i'll put two yellow sign because you can say well look you know what three yellow sign means you can't cross it you know and i think that's very important and uh i appreciate your suggestions i think you're making some very practical sensible suggestions when you go in a taxi i think it's important to be able to have the cabs flowing you know as efficiently as possible

2:24:32 and if you have all of these impediments to impede the flow of traffic and to create an unsafe environment your point is well taken that when you're coming from the mainland you're coming with a left hand with a right hand driving mindset so your instinct you know is going one minute it's counterintuitive to what um to the realities of you know driving here in the territory so i think it's important for so would you be would you be um in support of a member of the taxicab commission serving as like a liaison to the virginia's police department and the department of public works for example so that we can collectively collaborate on practical ways to improve the flow and congestion particularly in a downtown area i i just really i'm very pleased by that suggestion um and and so would you see the commission should you be approved uh working proactively to be a part of that type of dialogue between vipd public works you know very much so yeah good time very good um thank you very much uh my time was called mr penn i am appreciative of your suggestion it shows me that you have thought about this position and your role you've thought about ways to uh to improve it uh the industry at the appropriate time I will vote in support of your nomination thank you thank you senator Potter for your line of questioning senator Johnson you may proceed five

2:26:36 minutes yeah good afternoon morning still thank you very much madam chair Mr. Julian Penn how are you doing today? I'm good thank you. My question to you is what what drives you to want to take this position on this board and you know what what are the ambition that you have that wants you to be a part of this board? What really drives you? Well for one thing I've been in the business for a long time uh i i'm a very young guy i was started out taxing on and those days we used to start out that uh down on main street and uh i was drafted for the service and i was in the army for a while and i came and i went to new york to live for a while up there over 15 years and i started driving school and uh i stayed at most for four years something like that and when i finished college i closed shop and went to work you know not as a taxi driver but as a yeah I went to Melbourne I had a different thing but anyway mental health yeah so when I came back to St. Thomas I continued to I started out again and was driving part-time when I worked for the government and I see a lot of different things need to be looked at and we can think we can be helpful in doing something about it. Something I noticed is that a lot of gypsies out there, they want to take it over. You know, you go down anywhere they can find young men

2:28:50 in private cars picking up the tourists. It's unfair competition because I have a license and i'm also uh have to pay has to pay my life i have to pay my dues and everything else so can i ask you are you are you driving taxi still are you uh yes i'm still driving okay and and okay well then how do you plan to work with the director and the other board members to align your vision with the commission ongoing investing investigatives and goals in the Taxi Commission well it's my understanding that it's not it's not a full-time job but but you understand there's a lot of issues right now in the Taxi Commission is going to require a lot of time so to correct a lot of the ills that are there well if you come to a point where is very demanding, I have no problem giving up the taxi driving.

2:29:58 I'm a retired person, and that wouldn't be a problem. So what do you foresee as the biggest challenge in implementing your proposed changes, and how would you address these challenges? is well i can suggest in the in the in the in the body that particularly come to hospitality and come with some ideas how we can how a hospital that hospitality training at least every two years one year sound good but if not every two years that all the drivers get some training and you're talking about a mandatory hospitality training mandatory yeah have you spoken to any of the other drivers and uh this is something are they they're willing to to be willing to do no i haven't spoken to any more about a couple of guys of close friends of mine and they all agree that uh it's it is necessary and i believe our tax drive would agree because years ago we used to have it the guy frenchman the manager who was there he uh he he had headed up in and used to have the

meetings all with the frenchman's rift and and they were really very important you know yeah right um i'm still studying this thing because i i i know that this this this might sound like a part-time job and it kind of is but there's a lot of issues there are you aware of that in the taxi commission at this time the taxi cab commission i don't know about in terms of the room But I can more address those that I encounter, you know, on a daily basis. But I don't know about the rules so much. Have you took any time? Madam Chair, may I just follow up?

2:31:59 Yes, you may. Have you ever looked at some of the rules and regs for the Taxicab Commission? Have you ever got a chance to see any of the rules and regs? Yes, sir. Okay. Thank you very much, Madam Chair. You're welcome, Senator Johnson. Mr. Penn, so you have mentioned that you've been in this industry for a long period of time based in your testimony and we've had a discussion behind the closed doors because it's my custom to always have a meeting before this meeting and I asked you if you were familiar with the VI Code as it pertains to the Virgin Islands Taxi Cab Commission.

2:32:46 You just said that you read it. But this commission has been experiencing some challenges over a long period of time. Excuse me. And I want to know, because this is like a job interview here today, Tell us, convince us that you will be prepared to roll up your sleeves, put in the hours, the time to make the necessary changes as a regulatory commission that oversees this industry. Convince us how you are ready, you are prepared.

2:33:38 I'm willing to give it a time, no question. And like the errors I mentioned in hospitality, I mean, I have no problem with that. Taxi drivers being more courteous to our customers because, like I said, tourism is very important to the to the territory and i think also that we should uh be more work together respect one another help kind to one another and to do everything we can to make this more uh more meaningful both for our locals or our visitors and and ourselves as you go from day to day But I think that it will take time, and in working as a body, we have to work together to bring about these things. And I have no problem investing the time in it, like I said, because I am a retired person, and I just go out when I feel like going out.

2:34:51 So I have no problem putting more time into the Taxi Commission. Okay. Okay. Thank you very much. Senator Fonseca, you may proceed with five minutes. Yes, thank you so kindly, Madam Chair. Mr. Penn is such a modest gentleman. You see, I don't think he really told us all of the qualifications that he come with, but he's very highly supported as a matter of fact he served as a as a psychological counselor in the division of mental health substance abuse and alcoholism for many years as a matter of fact he's a retired mental health counselor so i can see why he's concentrating on the customer service and being friendly because his skill is negotiating and dealing with human interpersonal relationships. And I agree with my colleagues in the Taxicab Commission. One of the important skills we need is Taxicab Commission members with good interpersonal communication skills so that we can get that commission up and functioning properly. And I think that Mr. Julian Penn comes with that exact psychological counseling mindset that we need to get that commission moving. You know, I am very interested in that procedure for the medallion for the younger generation because, like Senator Potter said, the taxicab commission is really, well, taxicab members in general are kind of like, you know, getting up there in age. and I know you've indicated that you're still driving the taxi and you've been around doing this from where. But I want to get back to the main street issue. So you're talking about the street there in front of Grand Hotel and between Emancipation Park? Yes. Okay, so you're going to close off. Okay, I can see how you need more room on that street there. We're not closed off, but no parking against the Grand Hotel.

2:37:10 Okay. between hours of six in the morning and seven in the afternoon and all the traffic goes out of town because you can use that extra space to have two lines of traffic coming out from there one going on the right yes like that you know yeah that that makes you know that's that's a great idea i've never thought about that but it would flow the traffic would definitely flow a lot easier much faster yeah yeah awesome okay so now enforcement there's some enforcement issues with the taxi drivers um you're a taxi driver how how can we improve on the enforcement side in this particular area in the taxi cab um with the taxi industry oh well one area that irritates taxi drivers is gypsies to speak into the mic um there are a lot of jeepsies out there uh you know chipping into the taxi business and this is is is is not good at all because they're chipping away from us i was saying that i trying to get a job i'm competing with them for a job okay and they're not licensed and they don't have to pay anything i mean you know i have to pick to pick pick out get a license every year they don't have to do it and they're not regulated so i i think that needs to be be dealt with i mean i know one time the government tried and the people the gypsies what supermarkets they gave them a medallion and tell them they can stay where they are but as soon as got the medalla the next day on the street come you know the rest of us so that didn't work right you know i i understand that and of course you know the taxi industry um is a very important industry because you know the tourism one minute is very important as a matter of fact um a lot of the times when the tourists enter the virgin islands the first person they encounter is a taxi driver exactly and basically the tourists i can see how important that customer service and being friendly is and so you say the taxi drivers were required in the past to have a training can

- 2:39:33 you explain that more that customer service yeah and and those who have in mind say someone who's speaking to the mic who's not academically inclined who come and they probably did not didn't go to school and they come to graduate and they can't graduate uh So instead of giving the veterans the medallion, let these guys who didn't do too well in school, the opportunity to get into the business. Time.
- 2:40:11 No, you can continue. Okay. Who didn't have the opportunity to get into the business, that would kind of groom them for it, you know, because it's a small business. you know and they can get help from the small business association and they can do much do much maybe do much better than they would ordinary would do because i believe that if you're not inclined to college not college-bound then the government should try to say they can teach you a skill also you can go to you can you can go to college you're not college-bound then it use a skill to do something you know plumbing carpentry electrician and on and on you know yes madam chair um i know my time was called but you know it's awesome mr penn i know that you retired from the department of mental health and um i'm so honored that you're considering returning to provide service to the government in the taxicab commission as you've done through your entire career and madam chair thank you so kind for being so lenient with the time and blessings you are very welcome senator thank you for your line of questioning senator gittins you may proceed with your five minutes thank you and good afternoon to all special good afternoon to the nominee I thank you for your willingness to want to serve on this troubling I must say commission because we have a lot of problems within this commission and I've already told myself that I will not be supporting anyone for this
- 2:42:14 Commission that I don't see the energy to stand up and make the hard decisions that needs to be made within this Commission we have too many problems in this and as everybody talk about tourism being the gateway here the first place you come in you meet our taxi drivers etc we really need to to put a handle on this commission and with the current members i i personally don't see it now let me ask you um why are you interested in in serving on on this commission in short i think i can make a difference with my my thoughts my ideas uh i see things that since i'm on the street all the time i see a lot of things that the person's not on the street wouldn't see and i think there's a lot of things that need to be done um some of these things dealing with the rules i i am not familiar too familiar with those but there are things need to be done and i think our either media need to turn up your mic or am i needed to speak directly into the mic yeah so i think we need to uh provide some kind of training on on every year every two years for taxi drivers keep them in keep them in form i think that should be uh more possible to hospital hospital hospital to all all visitors and they should be try to respect one another that's one of the problems there too we don't have no respect for one another we say anything we do anything
- 2:44:23 and that is not good and sometimes it's demonstrated before our visitors and locals alike you know have you I think that we need to I think that we need to do whatever we can to make it because if we are not happy then it's going to it's going to project itself that where the customers are going to see that and there too it cannot only happen have you so have you have you been able to familiarize yourself with the the Commission's mission I I read it yes you you read their mission I didn't see their mission I haven't seen their mission okay because you said you read it I'm looking at your your your questionnaire.
- 2:45:23 You attended the John Jay College of Criminal Justice? Yes, sir. What year did you attend that college? I was there, I did my bachelor's there and I did my master's there and I think I- One minute. I graduated there in 2000, I'm sorry, 19, I think it was 1981, something like that. I'm looking at your questionnaire. Were you assisted in filling out your questionnaire or did you fill out this questionnaire on your own?
- 2:46:09 Because there's some discrepancies in here. and i i saw that because i too attended john jay college of criminal justice and i'm seeing uh it must be a typo in here so i wanted to ask about uh your dates of attendance for both the masters and the bachelor's degree my attendance yeah the dates it is this definitely way off time you weren't even born yet in those years i said i said 1981 right but your days of the dates of attendance if i may uh wrap up here madam chair i'm looking that's why i'm asking you if you were assisted in filling out this questionnaire because obviously there's some incorrect information on the application oh i think my wife helped me yeah in typing it i didn't i didn't get your response i'm sorry When I said my wife assisted me in the type-in.
- 2:47:26 Okay. Madam Chair, this is a rough one. You know, as I look at this, the nominee's experience appears insufficient for addressing the complexities that we have here with our Taxicab Commission today. today, it's a very challenging one, and I'm not seeing where the nominee is able to demonstrate clearly to me the understanding of the current issues facing this industry. At the appropriate time, I will cast my vote, but again, I want to thank him for his willingness to serve on this commission.

- 2:48:21 Thank you. Thank you, Senator Gittins. I think we have exhausted our first line of question in round one. Colleagues do you have any further questions for Mr. Penn? Okay, do I hear a motion on the governor's nomination of Julian Penn, nominee for the Virgin Islands Taxi Cab Commission for the District of St. Thomas? Do I hear a motion?
- 2:48:57 Motion. Motion, Senator Potter. Thank you very much, Madam Chair. Madam Chair, I move that the governor's nomination of Sir Julian Penn to the Virgin Islands Taxicab Commission, District of St. Thomas, be favorably voted upon in the Committee on Rules and Judiciary and forwarded to the full body for further consideration and action.
- 2:49:29 I so move. Do I hear a second? Motion properly made by Senator Milton Popter. Do I hear a second? Hearing no second, the motion fails. The governor's nomination for the, the governor's nomination, Julian Penn nominee for the Virgin Islands Taxi Cab Commission District of St. Thomas did not receive a favor, did not receive a second, but it stays in the committee of rules. It would be still forwarded to the full body for further consideration. Mr. Penn, at this time, I just wanna say thank you for your willingness to serve, Even though that you didn't get a second, this has been still forwarded to the full body, which is session. I'm unable to tell you when that date is. But I wanna say, Mr. Penn, I commend you for your willingness to serve on the Taxi Cab Commission in the District of St. Thomas. I understand that this commission is a challenging one, And each one of my colleagues have a vote. I am not accountable for that. So I have to say thank you. Thank you for you wanting to step up to serve in this position. At this time, I would give you some closing remarks.
- 2:51:30 Well I want to thank you so much to thank the governor. Motion, Mr. Penn, if you can please hold your thoughts. I hear a motion from Senator Gittins. Thank you Madam Chair, Madam Chair and colleagues. I move that the nomination of Mr. Julian Penn to serve on the Virgin Islands Taxicab Commission for the District of St. Thomas be moved to the full body with an unfavorable recommendation. I so move. Motion properly made by Senator Gittins and seconded by Senator Johnson.
- 2:52:20 Madam Clark might have a roll call on the unfavorable recommendation. Senator Angel L. Borges Jr. Senator Borges Jr. absent. Senator Diane T. Capehart. Yes. Senator Capehart, yes. Senator Kenneth L. Gittins. Senator Gittins, yes. Yes, Senator Marie C. James, Senator James absent, Senator Franklin D. Johnson, Senator Johnson Yeh, Senator Carla J.
- 2:52:56 Joseph, Senator Joseph absent, Senator Milton E. Potter, Senator Milton E. Potter, Senator Potter not voting. Madam Chair, you have three yeas, one not vote in, three absent. The Governor's nomination of Julian Penn, nominee for the Virgin Islands Taxicab Commission, District of St. Thomas, did not receive a favorable vote in the Committee of Rules and Judiciary and has been forwarded to the full body for further consideration.
- 2:53:35 Mr. Penn, I would allow you to have some closing remarks. Yes, well, I thank you all for allowing me to thank the Governor for nominating me and thank you all for allowing me to express my desire and my feelings about the Taxi Commission and their role, and I thank you all for having the patience, and that's it.
- 2:54:13 Thank you, thank you, as I say, thank you for wanting to serve your island. Thank you for all that you've done in this industry, and the Committee of Rules and Judiciary is just a big job interview so we will vote again on this measure in the full body for full consideration I'd like to thank all testifiers for coming out today so the rules and Judiciary Committee I would like to thank non committee member, Senator Fonseca, Senator Potter, Senator Gittin, Senator Johnson, committee members for coming to vet these nominations that were before us today from the governor and all support staff, media, legislative staff, and of course my staff sergeant of arms central staff hearing no further business to the committee the committee on rules and judiciary is hereby adjourn God bless the people of the Virgin Islands Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you. Thank you.
- 3:01:44 Thank you. We'll be right back. Thank you. Thank you. You

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke - only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

- 19x **Senator Kenneth L. Gittens**
heard in this transcript as: Gittin, Gittins, Kenneth Gittins, Kenneth L. Gittins
- 17x **Senator Franklin D. Johnson**
heard in this transcript as: Franklin Johnson, Johnson

- 16x **Senator Diane T. Capeheart**
heard in this transcript as: Capehart, Dayanti Capehart, Diane Capehart, Diane T. Capehart
- 10x **Senator Milton E. Potter**
heard in this transcript as: Milton Popter, Potter
- 9x **Senator Angel L. Borges Jr**
heard in this transcript as: Angel L. Borges Jr., Borges, Borges Jr, Borges Jr.
- 9x **Senator Marise C. James**
the surname alone also matches: Javan James; Giovanni James Sr
heard in this transcript as: James, Marie C. James, Maurice C. James, Maurice James
- 8x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Carla J. Joseph, Joseph
- 3x **Senator Ray Fonseca**
heard in this transcript as: Fonseca
- 2x **Senator Angel L. Bulkes Jr**
heard in this transcript as: Boulkes
- 2x **Governor Juan F. Louis Hospital**
heard in this transcript as: Juan F. Louie Hospital
- 2x **Senator Murray C. James**
the surname alone also matches: Javan James; Marise C. James; Neville James

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 35-0224