

1

Friday, 30th January 2009

2 (10.30 am)

3 SIR ROBIN AULD: Good morning, everybody. I see
4 the geography of the front row has changed and we have
5 some new faces. Mr Sturman and Mr Katan, you appear
6 here this morning for whom, please?

7 MR STURMAN: For Mario Hoffman.

8 SIR ROBIN AULD: So you seek permission to appear on his
9 behalf?

10 MR STURMAN: I seek permission.

11 SIR ROBIN AULD: Do you appear for anybody else, corporate
12 or personal?

13 MR STURMAN: Not today, but now that I am here, I understand
14 my task is going to be to review quite a bit of
15 documentation. I won't be playing a speaking role here
16 next week but I might be taking that documentation away
17 and I may then be instructed on behalf of other
18 entities, but for today's purposes it is Mario Hoffman.

19 SIR ROBIN AULD: Just the one individual?

20 MR STURMAN: Yes.

21 SIR ROBIN AULD: Thank you.

22 MRS GEORGIA DUNN (affirmed)

23 Examination-in-chief by MRS DUFF

24 SIR ROBIN AULD: Mrs Dunn, am I correct in calling you
25 Mrs Dunn?

1 A. That's correct.

2 SIR ROBIN AULD: You will have on your left a bundle of red
3 files that might be referred to from time to time, and
4 they are the core Commission's files in addition to any
5 individual papers of your own. So the cry is the red
6 volume 6 or the black volume, you will know when you
7 have to turn left when somebody says red.

8 A. Thank you.

9 SIR ROBIN AULD: Yes, Mrs Duff.

10 MRS DUFF: Mrs Dunn, you have in front of you a copy of the
11 deposition that you signed last evening, and I am going
12 to take you through that deposition for the purposes of
13 this hearing, so we all understand what it is you have
14 to say to the Commission. Can I make it clear that you
15 appear today here on summons.

16 A. Yes, absolutely. At first I was requested and I denied
17 that request, and then there was a follow-up with
18 a summons, and I am here today because of that.

19 MRS DUFF: Mrs Dunn, you own property on Salt Cay.

20 A. That is correct.

21 Q. Can you tell us about that property?

22 A. I am a co-owner of the White House. It is one of the
23 most historic homes in the Caribbean and I own a small
24 piece of property on the North Beach. Can I interrupt
25 to ask, you are standing right in the back of the light

1 and you know how that's so hard on the eyes. Thank you.

2 MRS DUFF: That technique is not meant to be used for
3 witnesses, I don't think.

4 The White House has been in your family for a long
5 number of years, is that right?

6 A. That is correct. I am part of the Harriott family from
7 Salt Cay and our family first came to the island in
8 the late 1600s, and after 100 years, after having
9 established a thriving salt business, they built
10 the White House and Daniel Harriott is the gentleman who
11 built the house. I am his great, great, great
12 granddaughter. I am a Belonger by decent and I am
13 a British Overseas Territory citizen through my paternal
14 grandmother.

15 Q. I think it is fair to say you are also a US citizen, you
16 have dual citizenship?

17 A. Absolutely. My grandmother was the last generation to
18 be born and raised on Salt Cay.

19 Q. On account of your ownership of property there, have you
20 had some dealings with those who would wish to develop
21 property on Salt Cay?

22 A. Yes I have.

23 Q. Was this as a result of you contacting them in the first
24 instance or them coming to you?

25 A. They came to me. Jonathan Katan emailed me asking for

1 a meeting in Provo in his office.

2 SIR ROBIN AULD: That is Mr Katan who appears today as

3 junior counsel?

4 A. That is correct.

5 MRS DUFF: Were you prepared to meet with him?

6 A. Yes, I was. Well, I didn't quite know what to expect so

7 I had no expectations so I felt I was prepared.

8 Q. Did you have a meeting with Mr Katan?

9 A. We did.

10 SIR ROBIN AULD: You say we --

11 A. My husband Bill and I came in August of 2007 for

12 an afternoon meeting and it was -- would you like me to

13 describe it?

14 MRS DUFF: Yes, please do.

15 A. Very cordial in nature, fairly brief. He was kind to

16 share the master plan for the island of Salt Cay at that

17 particular time of its evolution, and he was very

18 transparent with full and fair disclosure about what

19 their plans are and how my little piece of property fit

20 into their plans, and it was unfortunate that my little

21 piece just happened to be where they wanted to build

22 their hotel. And I said I am very supportive of

23 a master plan. Having come from an urban planning and

24 architecture background, it is very important as any

25 community evolves that there is a bigger picture, so

1 that all the pieces come together in a very logical and
2 consistent way for the good of the whole, and I was
3 impressed with their plans and wanted to support their
4 plans to the best of my abilities for the good of jobs
5 for the residents of Salt Cay.

6 At the same time, I explained to him that I grew up
7 on this beach and it had been my lifelong dream to have
8 a little piece of property there so that I wanted to
9 support him in any way I could, and I was amenable to
10 perhaps moving some place on the beach not too far away,
11 but that my first choice was to not move at all and that
12 I was not going to be moved off the beach.

13 Q. Forgive me could I just backtrack for a second.

14 The land on North Beach, for how long had you owned it
15 before this meeting took place, would you say?

16 A. Well, I had been working on it for quite some time but
17 the title passed in March 2007.

18 Q. So not very long before the meeting, in fact?

19 A. That is correct.

20 Q. But had you been in the process of buying it for some
21 time before then?

22 A. That is right. It was just a question of paperwork
23 getting processed but I had been working on it --
24 I can't be held exactly for the amount of time but
25 I would say a year to two years.

- 1 Q. The meeting with Mr Katan, did it last very long?
- 2 A. I would say it was 45 minutes, an hour.
- 3 Q. And you parted on cordial terms?
- 4 A. Very much so.
- 5 Q. Was there to be any further meeting?
- 6 A. He asked after hearing that I was very committed to
- 7 keeping my piece of property because of my sentimental
- 8 attachment to that location, asked if I would be willing
- 9 to meet with Mr Hoffman and I said yes and he said -- he
- 10 asked if we could meet that evening at the
- 11 Grace Bay Club.
- 12 SIR ROBIN AULD: When are we now?
- 13 A. Still on the same day. So I would say this was
- 14 a 4 o'clock meeting approximately, I believe, it was
- 15 about 5 o'clock, he said could you meet about 7.00,
- 16 roughly. So my husband bill and I went to
- 17 Grace Bay Club to the lovely bar area that we all like
- 18 to go to.
- 19 Q. Was Mr Katan at the meeting that evening?
- 20 A. He was not.
- 21 Q. So who did you meet in the Grace Bay Club?
- 22 A. It was Mr Hoffman and my husband and myself.
- 23 Q. Had you met Mr Hoffman ever before?
- 24 A. I never had.
- 25 Q. Can you tell us what Mr Hoffman said to you?

1 A. Yes. You know, it was pleasant enough at first and then
2 things started to take an interesting turn, and he said,
3 I am a Belonger, which is kind of an odd thing to say
4 because it is not -- if you say that, it is usually
5 because you are going to talk about something else. It
6 is usually a dependent clause: I am a Belonger and it
7 affects my job in some way. There is always something
8 else that you are going to be talking about, but it was
9 clear that he wanted to make a statement about his
10 status on the islands.

11 As a Belonger by descent, that was -- there are
12 certainly enough Belongerships that have been bought; we
13 take that with a grain of salt unless you are a Belonger
14 by descent.

15 SIR ROBIN AULD: Sorry, I haven't quite followed what you
16 said there or what your reasoning is.

17 A. There are two types of Belongerships. There is
18 a Belongership by descent, and then there are
19 Belongerships that you acquire not by descent but
20 because you have contributed to the social good, and
21 that is the other category.

22 SIR ROBIN AULD: Did that distinction come into
23 the conversation?

24 A. No, it did not.

25 SIR ROBIN AULD: But you thought there was some particular

1 significance in him introducing the conversation in that
2 way?

3 A. Precisely. It is an odd way to start a get to know, you
4 know? You usually talk about your wife or your kids or
5 something kind of personal or nice, or immediately
6 the fact at hand of why he wanted to meet about the
7 property. It was an odd thing to raise in the isolated
8 way that he did.

9 Then we got -- after that introduction we got to the
10 heart of the matter about the property, how he was
11 interested in acquiring this piece. I said: I have such
12 nostalgia and sentimental attachment to the property,
13 I am very sorry but I am not going to be able to
14 accommodate your request.

15 He pressed me, and I then was quite emphatic and
16 I said as a child, I had three dreams as a child: that
17 when I would grow up, I would have a great career,
18 I would meet a nice guy and be married and I would have
19 a little piece of property on the North Beach.

20 I said -- and I have the good fortune of being now -- of
21 having fulfilled three dreams at the age of 40. I said:
22 I would sooner give my husband to you right now than
23 give you my piece of property.

24 And so he then got the message that there was not
25 a lot of negotiating room over this piece of property

1 and there was no price to pay, there was no economic
2 value that I was going to be getting out of this that
3 meant -- had any value to me and so that is when
4 the conversation took a different turn and he said --
5 let's see, so I don't get my meetings confused, do you
6 mind if I refer to my notes?

7 Q. Please do.

8 A. Yes, he said -- he made a reference about his control of
9 the government and said, you know, you will never be
10 able to build -- you will never be able to realise your
11 dream because you will never be able to build on the
12 property. It is my husband's recollection that he said,
13 "I own the government". It is my recollection that he
14 said, "I control the government". And therefore you
15 will not be able to get your plans through, planning and
16 so on to be able to build. So that was the end of that.

17 In addition to that, you always take folks'
18 declarative statements like that with a grain of salt,
19 so when I didn't seem too intimidated by that statement
20 about not being able to build, he then moved on to
21 the issue of eminent domain and that possibility.

22 SIR ROBIN AULD: You dropped your voice there. You moved on
23 to what?

24 A. To the issue of eminent domain.

25 (10.45 am)

1 MRS DUFF: What do you understand by eminent domain? Did
2 you understand what he was talking about?

3 A. From my perspective, I understand eminent domain to mean
4 that if there is a public good, meaning on behalf of
5 the good of a community, that it is appropriate and
6 legal for the government to take a private property --
7 to take private property and transfer it to another
8 entity, namely public property. Example, my property
9 would be used to build a hospital or a road, but in this
10 case the idea of eminent domain didn't seem to fit
11 because it was favouring one private property owner over
12 another private property owner and I didn't think that
13 had any legal standing.

14 Q. Did you, during this meeting with Mr Hoffman, discuss
15 numbers? Was there any discussion about how much he was
16 prepared to offer you for this plot of land on
17 North Beach?

18 A. There was discussions over a period of time and I would
19 have to go back to my notes to understand --

20 SIR ROBIN AULD: When you say you are going back to your
21 notes, these are notes made when?

22 A. I had email exchanges with him --

23 SIR ROBIN AULD: You mean before this hearing?

24 A. Before this hearing --

25 SIR ROBIN AULD: Quite recent or at the time?

1 A. At the time, that is right. In preparation of the
2 meetings, there was e-mails about the scheduling and all
3 that. Then after the meetings, there was follow-ups
4 about what was discussed.

5 So at a certain point the issue of paying me from
6 the property did come up and the price was, I think
7 along the lines of \$250,000, but I am not -- I can't
8 tell you exactly when that happened. It could have been
9 in the first meeting and I would have to look back to
10 make sure I was accurate.

11 MRS DUFF: How long did the meeting with Mr Hoffman last,
12 can you now say?

13 A. I would say about an hour.

14 Q. Did you part on good terms as you had the meeting with
15 his attorney?

16 A. I would much rather have met with Mr Katan again than
17 Mr Hoffman. It was a very different type of meeting.

18 Q. Did it unsettle you?

19 A. Yes. Yes, it was unsettling.

20 Q. Did you regard what he said as a threat?

21 A. Any time you buy a piece of land and somebody tells you
22 you cannot build on it, and that person is not a part of
23 the government, I view that as a threat.

24 Q. I think matters moved on. You were back in America but
25 still in contact with Salt Cay and knew of things

1 happening there?

2 A. That is correct.

3 Q. Did you come to hear that the development was growing,
4 as it were?

5 A. Yes, there is, you know, always so much discussions and
6 conversations about things that are happening, like, you
7 know, there are tents that are going to go up and
8 the Chinese are coming in, and docks are going to be
9 built, and there is a lot of conversation around things
10 that are happening, but you never really know what is
11 happening until you are there, until you actually show
12 up and see what is happening.

13 Q. Is it right that none of that that you were hearing
14 about did actually happen as far as you could see?

15 A. That is correct, yes.

16 Q. But is it right that you then went on to have a further
17 meeting, again with someone from Salt Cay Devco?

18 A. That is correct. So approximately a year transpired and
19 in May 2008, after hearing about the various aspects of
20 the master plan, namely a canal that was going to be cut
21 from the western edge of the island into the salt ponds
22 for a marina, and that cut was going to happen basically
23 right outside our doorstep, my brother and I became
24 concerned about the soundness of our home, and we wished
25 to meet with Devco to discuss their plans that were

1 going to immediately impact potentially the structure of

2 our house.

3 Q. This is the White House?

4 A. That is correct.

5 Q. This is not the property on North Beach?

6 A. Precisely.

7 Q. So did you ask for a meeting then?

8 A. Yes, I did. I said: I am coming down, and I would

9 appreciate some time to discuss your plans in greater

10 detail. Approximately five years ago, we lost part of

11 our roof because the house is perfectly engineered with

12 no mortar and the roof is held together purely by

13 the weight of each slate, and if there is any activity

14 around the house that will -- that their development

15 would necessitate, ie the dock, the cutting, the trucks

16 coming back and forth on the road, our house easily

17 could be a pile of rubble overnight.

18 SIR ROBIN AULD: Did you understand that the cut would come

19 up from the old dock there? That close to the house?

20 A. I did understand that it was going to come through

21 the --

22 SIR ROBIN AULD: Almost in front of the house facing on to

23 the sea, isn't it?

24 A. That is correct. That was very alarming. That is why

25 my brother, who has a very busy vet practice, and I,

1 decided to get on the plane and come down and have
2 discussions about it. We were supportive of the cut as
3 long as it was not so close to a historic structure that
4 it would threaten its stability. So we met with
5 Stephan to ask to see if we could work with him to move
6 the cut.

7 SIR ROBIN AULD: Pause there. You say you met with Stephan,
8 that is Stephan Kral, yes?

9 A. Stephan Kral, yes.

10 MRS DUFF: That, I think, was in May 2008.

11 A. That is correct.

12 SIR ROBIN AULD: Who met with him, you and anybody else?

13 A. And my brother Michael Dunn, and Stephan and we were in
14 the White House at the dining room table. He had his
15 plans stretched out and after we discussed the cut and
16 the possibilities he then raised -- he said: and then
17 there is that little matter of the land on
18 the North Beach, can we talk about that as well?

19 Then I said: why not, we are here together. Then he
20 said: we have further developments in our master plan
21 and I would like to show you what our plans are in
22 relationship to your lot. So he unrolled it and showed
23 the hotel and the bungalows and the restaurant and
24 the pool and he showed -- he said: now you will see your
25 lot here, and it is between the pool and the restaurant,

1 the pool filtration system and the restaurant.

2 SIR ROBIN AULD: You mean the White House --

3 A. I am sorry.

4 SIR ROBIN AULD: Your piece.

5 A. That is right, my little North Beach lot.

6 So I said: I am absolutely delighted that you were

7 able to accommodate my presence on the North Beach and

8 I am looking forward to being your neighbour. That

9 brought that conversation to a conclusion.

10 MRS DUFF: Mr Kral had nothing more to say to you?

11 A. We then made arrangements to meet again on Provo when we

12 were both back on Provo, and there was that subsequent

13 meeting at the Provo Air Tournament.

14 Q. Before we go on to that meeting, having met with

15 Mr Kral, had the threat that you felt earlier gone away,

16 was it stronger, was it still the same?

17 A. He is a different personality, so the way he delivers

18 a message is much more kinder and gentler. So two very

19 different personalities but the message was the same.

20 If you have to have a message delivered, it is nicer

21 coming from Stephan Kral but -- did I answer your

22 question?

23 Q. I think so. Did Mr Kral offer you any money at that

24 stage, at that meeting for your plot on North Beach, do

25 you recall?

1 A. No, he did not. I think because he knew that the money
2 discussion was pointless. We had already had the money
3 conversations and now they were taking a different
4 approach to try to set the stage for a discussion in
5 a whole other way.

6 Q. Can I ask you this: your house was sandwiched, it sounds
7 like, in the middle of this master plan, this big
8 development?

9 A. That is correct.

10 Q. But your -- there was still room for you to do something
11 there, is that what I understand?

12 A. Now that you mention, now that you say that, I do
13 remember during the meeting he, after talking about how
14 pleased I was going to be to be his neighbour, he was
15 disturbed by my response and said that you will never be
16 able to access your property because we will be building
17 the roads, managing the roads, managing the access and
18 you will have no access to your property. And I think
19 I responded -- I don't know if I said it or thought in
20 my head: there is always the beach.

21 SIR ROBIN AULD: Is that an afterthought or you said that?

22 Is that something you wish you said --

23 A. Probably, exactly: nobody owns the beach, we all know
24 that.

25 MRS DUFF: I think you were going to go on to tell us about

1 one further meeting. This time you said at the
2 Air Centre.

3 A. That is right. So Mario and Stephan Kral requested that
4 we meet at the Air Centre.

5 Q. "we" on this occasion was you and your brother?

6 A. My brother and myself.

7 SIR ROBIN AULD: And when?

8 A. It was that same trip when we were down at Salt Cay to
9 understand the building that was going on,
10 the construction that was going on and that was
11 the beginning of the week. That was we flew in Sunday
12 night, Monday, and earlier that weekend that meeting
13 with Stephan, and then we were back on Provo and it was
14 Thursday, about 4 o'clock, when we were at the
15 Air Centre at Provo.

16 Q. So that meeting was for Mr Hoffman's convenience rather
17 than yours, is that fair?

18 A. I am sorry?

19 Q. The timing of the meeting?

20 A. Absolutely. They were leaving for the DR and they had
21 arrangements with a private plane to take them to
22 the DR, and they asked me if I would be willing to come
23 out to accommodate their schedule, and because my
24 interest is responsible economic development for
25 Salt Cay, I felt inclined that I needed to keep showing

1 up to see what I could do to minimise the threat and
2 the potential damage to the material culture of the
3 island in the master plan.

4 SIR ROBIN AULD: When you say DR, you mean
5 the Dominican Republic?

6 A. I do indeed.

7 MRS DUFF: Did this meeting last for a long time?

8 A. It was a very short meeting. It was about 15 to 20
9 minutes.

10 Q. Can you recall now what was discussed? Was anything
11 different discussed than had been discussed between you
12 before?

13 A. My brother and I came in and we sat down in that lobby
14 area on the couch, and Mario and Stephan came in shortly
15 thereafter. A very short period of time of quick
16 pleasantries, and then the Premier came, and I have
17 never met the Premier before, but I have seen his photo
18 to know what he looks like, and seen him at events, and
19 he came and sat down on my right, and he was wearing
20 a beautiful tailored suit, a big gold watch, big
21 sunglasses that he kept on inside and he said: so what
22 do we have here. Do you want me to now describe
23 the conversation?

24 Q. Please do, yes?

25 SIR ROBIN AULD: Just before you do, what you have

1 described, is that what passes for a VIP lounge at the

2 airport, a little room with photographs on the wall?

3 A. I believe so. There is the --

4 SIR ROBIN AULD: Was it a private room?

5 A. It is not a private room. It is in the lobby.

6 SIR ROBIN AULD: It is in the main lobby?

7 A. That is correct.

8 And he said: so what do we have here. And I said:

9 Premier, I am delighted to meet you and we are just

10 speaking about Mr Hoffman's plans for Salt Cay; I want

11 you to know that on behalf of my family, we are very

12 supportive of Mr Hoffman and the money that he is

13 investing in Salt Cay and his master plan. I said: we

14 are 99 per cent behind him, I said: there is just 1

15 per cent that I am having a real problem with. And he

16 said: well, 1 per cent doesn't sound too big of

17 a problem to me, what is it? I said: it is this canal

18 that is going to threaten the stability of our home.

19 So at that point I took a little bit of time,

20 I asked Mario, do you mind if I show him -- and

21 Stephan Kral -- do you mind if I show him my little

22 slide presentation about the history of Salt Cay and

23 the importance of its history to all the families that

24 lived and worked there over the years, who produced

25 the finest salt in the world that was shipped around

1 the world?

2 So he was amenable to that and I showed him my
3 photos and then he asked me where are you -- he said,
4 how long have you been here for? And I -- he asked me
5 where are you from. I said: I am from Salt Cay and
6 I said my family has been here since 1680, give or take
7 a few years. He said: oh, he said, that means you are
8 Bermudian. He said: well, I meet with the Prime
9 Minister of Bermuda periodically. The last time I saw
10 him, I told him that he owed us money for all
11 the resources that Bermudians stole from us and brought
12 back to Bermuda. He said: you are one of those people
13 that cut down our trees, stole our resources and shipped
14 them back to Bermuda.

15 And I said: well, the next time you have your
16 meeting with the Chief Minister of Bermuda, tell him
17 I would like some money too, because every dime my
18 family made, we put back into the business and back into
19 the community of Salt Cay until the industry collapsed
20 and we were left with nothing.

21 So that was -- that brought that part of the
22 conversation to a conclusion and then, shall I go on to
23 the next part of it?

24 (11.00 am)

25 Q. Did the Premier respond to that?

1 A. Yes, he said that there is basically another opinion
2 about what happened over time and he said: but I don't
3 want to get into that now; and I responded: but please
4 do, I would be interested in hearing. And he said:
5 people of the Turks & Caicos Islands may not feel
6 the same way about you and your family as you feel about
7 them. And I said: my father died two years ago; his
8 last wish was to be buried at our family plot on
9 Salt Cay at St John's; Polly Dickinson, the deacon of
10 our church, and Lionel Talbot, my father's best friend,
11 fulfilled my father's last wishes and buried him in our
12 family plot. I love this community and this community
13 loves me. And the Premier then looked at his watch and
14 got up and said: it is time to go.

15 SIR ROBIN AULD: Time to go?

16 A. Yes.

17 MRS DUFF: Have there been any other meetings with
18 the developers or the Premier?

19 A. No, no additional meetings.

20 Q. Thank you:

21 SIR ROBIN AULD: Now, Mr Sturman, I suppose you should be
22 first, if there is to be more than one?

23 MR STURMAN: Please.

24 Cross-examination by MR STURMAN

25 MR STURMAN: Mrs Dunn, can I just deal with that meeting in

1 August first, where you met Mr Katan, who I think you
2 have, to save his blushes, described him as delightful,
3 or words to that effect, and he lined up a meeting later
4 on that night with Mr Hoffman.

5 A. That is correct.

6 Q. Mr Katan was at that meeting?

7 A. Yes.

8 Q. That is right, isn't it?

9 A. That is right. You are absolutely right.

10 Q. Thank you. So you had forgotten that Mr Katan was
11 present when Mr Hoffman threatened you?

12 A. Absolutely, absolutely. Terrified.

13 Q. When you left that meeting, you must have wanted nothing
14 further to do with Mr Hoffman. Look at your statement.
15 You have been referring to your statement. Your husband
16 is a judge?

17 A. Yes.

18 Q. You were upset about what he said. You wanted no more
19 to do with this horrible man, is that fair?

20 A. No. It is not fair to say.

21 Q. What was your state of mind about him?

22 A. It was a very unpleasant interaction.

23 Q. When was your next interaction with this man who was so
24 unpleasant to you?

25 A. At the Provo airport.

1 Q. What about when you sent him an invitation to your
2 wedding?

3 A. That is correct, I did.

4 Q. Let's have a look at that, shall we?

5 A. Absolutely.

6 Q. There is a clip of e-mails here --

7 A. It was not my wedding, can I just re-phrase what it is.

8 Q. What was it?

9 A. It was a party in Charlotte, North Carolina.

10 SIR ROBIN AULD: Can we just get the date of this, please,
11 Mr Sturman.

12 A. It was September --

13 MR STURMAN: I will produce the invitation.

14 SIR ROBIN AULD: Just let me have the date.

15 A. September of --

16 MR STURMAN: September 8th.

17 SIR ROBIN AULD: Which year are we?

18 A. 2007.

19 MR STURMAN: Look at the little clip of e-mails there.

20 A. Yes.

21 Q. After this meeting with this horrible man who threatened
22 you:

23 "Dear Mario, it was a pleasure meeting you last week
24 regarding your plans. I look forward to staying in
25 touch. In the meantime I wanted to let you know that as

1 Bill and I were flying back through Provo, we dropped
2 off an invitation at Jonathan's office for you to join
3 us in Charlotte for a party celebrating our recent
4 marriage. Scott Smith, an old family friend and
5 business partner, is hosting it for us. He is the CEO
6 of the holding company which has the largest group of
7 car dealerships in the US. In addition, his father,
8 Bruton Smith, along with the Franz family, own and run
9 NASCAR, the fastest growing sport in the country. This
10 is a long way of saying it will be a real North Carolina
11 bash, barbecue, local beer, colourful Charlotte
12 personalities and all. We look forward to seeing you
13 either in Charlotte or in TCI in times to come."

14 Go over two more pages for your handwritten note:

15 "Dear Mario, it was a pleasure meeting you last
16 week..."

17 When did you first tell anyone Mr Hoffman threatened
18 you at that meeting that led to you inviting him to the
19 party to celebrate your wedding?

20 A. When did I first tell --

21 Q. Tell anyone that he threatened you?

22 A. My husband and I walked away from that meeting, and my
23 husband said something along the lines of: we better
24 start playing ball with these guys.

25 Q. Did you ever make a complaint prior to making your

1 witness statement yesterday to anybody?

2 A. Yes, to Bob Stearn.

3 Q. Is it in writing?

4 A. It could be in an email but I would have to check.

5 Q. Did you check your e-mails for your dealings with

6 Mr Hoffman before you came here?

7 A. No, I just need to tell the facts. I didn't think it

8 was required.

9 Q. So where was Mr Katan sitting when you received this

10 threat that you took so seriously?

11 A. That is right, so let me -- I am so glad you reminded me

12 of it. Thank you, I appreciate that. So as I recall,

13 we are sitting around one of those round roof areas in

14 Grace Bay, and I believe it was me and my husband Bill

15 and Mario and Jonathan.

16 I think it was like that on (inaudible).

17 Q. So he heard it?

18 A. He meaning?

19 Q. Mr Katan?

20 A. That is correct.

21 Q. How did he react to it?

22 A. He represents Mario. He was very quiet.

23 Q. You see, may I suggest, Mrs Dunn, that you have made

24 that up?

25 A. You could suggest that.

1 Q. I do suggest that. I am giving you a chance to deal
2 with it.
3 A. Okay.
4 Q. Do you reject that?
5 A. Tell me -- repeat what I am rejecting.
6 Q. I suggest you have made up the remarks, the threatening
7 remarks about him owning the government or any
8 suggestion of threat in that meeting?
9 A. Yes, I reject that.
10 Q. I suggest if a woman of your strong character, whose
11 husband is a judge, had been threatened in that way, you
12 would have made a complaint about it?
13 A. That is a false assumption.
14 Q. That is a false assumption. Why is it a false
15 assumption?
16 A. Sir Robin, I am not represented by counsel, I don't --
17 SIR ROBIN AULD: Well, I think -- this is the way, I am
18 afraid, the forensic system works and you are clearly
19 a woman of some self-possession and you have just got to
20 stand up for yourself, I am afraid. You are there as
21 a witness and not a party to a proceeding.
22 A. All right. So let me answer this question in this
23 way --
24 MR STURMAN: I am afraid that is not the way the system
25 works. I ask you questions, you answer them, I am

1 asking you --

2 SIR ROBIN AULD: Are you putting the same question again,

3 Mr Sturman?

4 MR STURMAN: Let me just check what it is. I suggest that

5 a woman of your strong character whose husband is

6 a judge, if you had been threatened in that way, you

7 would have made a complaint about it. You said:

8 "That is a false assumption."

9 I then asked: why is that a false assumption.

10 A. Because threatening things happen to my husband all the

11 time and we don't complain about it.

12 Q. Do you make a habit of inviting people who threatened

13 you to your parties?

14 A. I make a habit of getting along with everyone because

15 this is a small group of islands with a small

16 population.

17 Q. What I suggest happened in the course of that meeting,

18 in that happy meeting, I suggest, in the Grace Bay Club,

19 there was a chat for an hour and a half in which you all

20 told each other things about your lives. There were

21 further discussions about Salt Cay and you passed on

22 perfectly amicable terms; would you agree with that?

23 A. I would disagree with that.

24 Q. Your husband volunteered quite a bit of information that

25 he knew various people, that he knew the Premier of the

1 Czech Republic?

2 A. That is correct.

3 Q. That he knew Bill Clinton?

4 A. That is correct.

5 Q. And various other people he knew and you swapped stories

6 about great connections that you had; is that a fair way

7 of putting it?

8 A. That is correct.

9 Q. And that the discussion was in the context of your being

10 enthusiastic about most aspects of

11 the Salt Cay Development, but you had some concerns

12 about others, yes?

13 A. That is correct.

14 Q. And that there were discussions about possible mutual

15 business synergy, hence the e-mail reference to NASCAR

16 racing?

17 A. No. That was my husband's very aggressive alpha male

18 way of saying: "don't fuck with me because I know

19 people".

20 Q. Right. So --

21 A. That was what that was -- I am sorry about that.

22 SIR ROBIN AULD: Don't worry about it. Was this at the

23 second meeting?

24 A. This is the first meeting with Mario.

25 SIR ROBIN AULD: Yes.

1 A. I am just explaining --

2 SIR ROBIN AULD: In August 2007.

3 A. That is correct. I am trying to explain the context for
4 this invitation that was driven by my husband.

5 MR STURMAN: Sorry your husband, I think everybody
6 understands what you mean by it, was being an alpha male
7 and effectively giving the message: don't fuck with me;
8 and then a few days later you sent him an invitation to
9 your wedding.

10 A. That is his way of doing that. That is the southern way
11 of doing it.

12 Q. May I take you to the second clip of e-mails that you
13 have got, please.

14 Start from the back and we are fast-forwarding,
15 my Lord, to 2008. If you go to the back like with all
16 e-mails, there are some photographs at the back, no need
17 to take those up yet. If we go to what should be marked
18 as page 9, Mrs Dunn.

19 SIR ROBIN AULD: Do I have this little bundle?

20 MR STURMAN: You should have, my Lord. They are
21 chronologically from the back.

22 A. I am looking at page 9, correct?

23 MR STURMAN: It should say at the top, "Dear Jonathan".

24 SIR ROBIN AULD: Let us call this bundle 2, Dunn bundle 2.
25 Thank you.

1 MR STURMAN: Here we have an email from you, which we know
2 from page 8 was sent on 17th February from you to
3 Mr Katan:
4 "Travel plans for TCI. Since Easter is such a busy
5 travel time for everyone, how does early May look? We
6 could fly in on Thursday, May 1st and meet that
7 afternoon around 3.30 in your office. We then plan to
8 spend the weekend on Salt Cay. Now that I am back from
9 Connecticut and have access to my files, I will be
10 looking over my maps this morning and will be sending
11 you the parcel numbers this morning."
12 Do you have a file for all your dealings with
13 Mr Hoffman?
14 A. I have a file for every part of my life.
15 Q. Where is that?
16 A. All of my files are in Charlotte, North Carolina.
17 Q. Are you willing to provide for this Commission all the
18 files and all the email contact of your contacts with
19 Mr Hoffman?
20 A. Absolutely.
21 Q. Were you ever asked for them before?
22 A. No.
23 Q. When did you make your statement, by the way? Was it
24 last night?
25 A. What does "make my statement" mean?

1 Q. The statement you have been referring to, your notes as

2 you have called it?

3 A. I put that together a couple of months ago.

4 Q. You put that together and then did you forward it to

5 the Commission?

6 A. That is correct.

7 Q. When did you forward it to the Commission?

8 A. I would have to look at my dates, but within that same

9 period of time.

10 MRS DUFF: If I might just interpose, just to be fair to the

11 witness who perhaps does not remember the chronology of

12 events, this lady contacted the Commission in August of

13 last year in strict confidence and as she explained at

14 the start of her evidence, she has come here on summons

15 today as a result of approaches by us as a result of

16 what she had said to us.

17 MR STURMAN: Of course, my Lord, we have got no idea of

18 secret communications because we are not entitled to

19 them, but I accept that, if that is what my learned

20 friend says. Let's look at the reply from Mr Katan at

21 page 8, please:

22 "Sorry for the delay in getting back to you.

23 I confirm that 1st May would work and I will pencil in

24 a meeting at 3.30 at my office. If your plans change or

25 that doesn't work for you, please let me know and I am

1 sure we can arrange something else."

2 Yes?

3 A. Mmm hmm.

4 Q. Was there after that then a meeting at which
5 the slightly different, because this was a morphing
6 plan, if I can call it that, a slightly changing plan
7 which the plan was discussed with Stephan Kral?

8 A. You know, as I recall and my brother is here and can
9 help me out with this, this is a meeting that took place
10 that I think I called in.

11 SIR ROBIN AULD: I think you had better try and do it on
12 your own. Your brother will be coming into the witness
13 box, I think.

14 MR STURMAN: May I say that is almost certainly right.
15 I don't challenge that, that there were ongoing
16 discussions and you were calling some of them and
17 Mr Kral was responding. He came to see you at the
18 White House, you walked around Salt Cay with him and on
19 one occasion you came to Provo to meet him at his
20 office. Yes?

21 A. Yes.

22 Q. Those meetings were an attempt between the parties to
23 come to a mutually acceptable agreement, yes?

24 A. That is correct.

25 Q. For the sale of your parcel of property on the

1 North Shore on mutually agreeable terms and to preserve
2 your anxieties about the White House; is that a fair
3 summary?
4 A. The summary is I never wanted to sell my property, ever.
5 There is no price you could put on this property.
6 Q. Are we talking about the North Shore property?
7 A. We are talking about the North Shore property.
8 Q. Never wanted to sell?
9 A. I never wanted to sell. I had different pressures from
10 my friends who did not anticipate to get into this level
11 of uncertainty over property ownership on Salt Cay, and
12 I had my husband who had his expectations as well. So
13 I was juggling a lot of different expectations out of
14 this piece of land. Mine was very simple. We can talk
15 about mine in a very simple way, but just know there are
16 broader issues at play.
17 Q. Because you are joint owner, are you not?
18 A. I have my husband who has a say.
19 Q. Exactly. You are also joint owner of the White House.
20 How many members of your family have an interest in
21 that?
22 A. It is my brother Michael who is here today and my uncle
23 Ian.
24 Q. So virtually everything has a price, although if it is
25 emotional, your attachment to a property, the price goes

1 up or there is no price agreed?

2 A. I agree -- well, in terms of price, to be very specific,
3 so you know where I am coming from, I was potentially
4 interested in a land swap so that I could preserve
5 the historical parts of Salt Cay that were under threat
6 by the master plan.

7 SIR ROBIN AULD: That is your White House interest?

8 A. That's right. Well, it was my interest to preserve
9 the land around the White House. I would like to
10 emphasise that the White House, we only own the land on
11 which the house sits. We have no buffer. We don't have
12 one foot of buffer which most normal houses have.

13 So a house of this size, my interests were to do
14 a swap of my little piece of land in the North Beach for
15 land around the White House that could protect that
16 structure.

17 (11.15 am)

18 MR STURMAN: It is my fault, my Lord, for not making this
19 clear. The White House with all your soul you didn't
20 want to get rid of, but isn't the bottom line this: that
21 if you could be fairly recompensed for the parcel of
22 land on the North Shore, you were quite happy, if
23 agreement could be reached, to swap that parcel of land
24 for another parcel of land on the North Shore further
25 up, or for more land around the White House if possible?

1 A. Plan A is leave me alone. Leave me and the status quo
2 alone. Leave my house alone and leave my little piece
3 of property alone. That is plan A. If you are telling
4 me that that is -- I have to choose, it is like
5 choosing -- it is like Sophie's Choice, the movie. Of
6 your two children, which one are you going to kill? It
7 is a very difficult decision to make, but I thought for
8 the good of my family that I had to make the right
9 decision on behalf of my family and the house and in
10 protecting the house, as well as that channel that was
11 going to cut the island in half, so all of my family and
12 friends that live in the southern part of the island,
13 now they are going to be cut off from St John's church
14 and from Deans(?) dock, that I could somehow mitigate
15 that damage.

16 SIR ROBIN AULD: There are three potential plans here, maybe
17 more. One was plan A, which was leave me alone. Plan B
18 was look after the White House.

19 A. That is correct.

20 SIR ROBIN AULD: But your little piece on the North Shore,
21 one way of looking after the White House, as
22 I understood your answer, was to do a land swap and have
23 some land around the White House.

24 A. That is correct.

25 SIR ROBIN AULD: So that might be plan C. No, it would go

1 along with plan B. But what about plan D, if you could
2 not do that, would you have given up your piece of land
3 on the North Shore for another piece of land?
4 A. Never, never, that is right.
5 SIR ROBIN AULD: So we have only got plan A, B and C then.
6 A. That is right. Plan A and plan B. So we are all really
7 clear on the record here, can we -- can I take
8 a minute --
9 MR STURMAN: Familiarise yourself with your e-mails,
10 certainly.
11 A. -- just to address Sir Robin's point, because I do have
12 something in writing that speaks to your ... plan A,
13 plan B, and plan C. That's accurate, Sir Robin.
14 MR STURMAN: The meetings in May, there were three meetings,
15 I suggest to you. One at the White House.
16 A. Yes.
17 Q. On the Tuesday and was Lionel Talbot at that meeting?
18 A. Yes, Lionel was there.
19 Q. That is the recollection of --
20 SIR ROBIN AULD: Lionel who?
21 A. Lionel Talbot.
22 SIR ROBIN AULD: Who is he?
23 A. My father's best friend and the person who takes care of
24 us in Salt Cay in the house.
25 MR STURMAN: At that meeting -- no quarrel with this, I am

1 sure everybody sitting here listening to you understands
2 why you were -- but you were at pains to impress on
3 Mr Kral that in your view White House was the most
4 valuable property for historic and other reasons on the
5 whole of Salt Cay, and you wanted to ensure that that
6 was preserved and it is possible to rebuild the stables
7 and create a living museum of the salt trade, yes?

8 A. The western edge of Salt Cay, from St John's church to
9 the north, to the White House to the south, that entire
10 strip, which includes St John's church, the District
11 Commissioner's house, the school, the little clinic,
12 then the -- that little piece of land to the north of
13 the White House where the stables used to be and
14 the White House, all of that is equally historic in
15 value.

16 Q. Again, I am trying to summarise, but you were making
17 the claim to Mr Kral that you were really concerned
18 about preserving that land, its historical integrity and
19 if possible extending the land around there so that you
20 could rebuild it as it was in 1640 until the end of
21 the salt trade?

22 A. That is correct. I spoke about establishing a living
23 history museum that could complement his plans for high
24 end tourism.

25 Q. And so your bargaining position, if I can call it that,

1 although in your heart you didn't want to part with
2 anything on the North Shore, if as a result of parting
3 with your land on the North Shore you could get
4 assistance and extra land to build this living museum,
5 this monument to the 1640s in Salt Cay --
6 A. To the people of Salt Cay.
7 Q. -- to the people of Salt Cay that you would give
8 a little and you would have a mutual interest and that
9 if Mr Kral and his boss would compromise on the one
10 hand, you would compromise on the other?
11 A. That is correct.
12 Q. No threats from Mr Kral during the course of that.
13 A. No, it was very pleasant.
14 Q. No threatening e-mails, no threatening letters?
15 A. No, it was just that his master plan for the North Beach
16 and the position of my property, and where they had
17 configured -- where my piece of land was --
18 Q. Coming from a development background, I am sure you
19 yourself must know, this is common in development
20 worldwide over, it might be a little old lady sitting in
21 a house where a golf course wants to be built, or
22 a little old lady sitting in a house where a developer
23 wants to put up a hotel. People can be stubborn and
24 refuse to move, can't they?
25 A. That is correct.

1 Q. But with a bit of goodwill and a bit of give and take,
2 and I suggest during these meetings in May and in these
3 e-mails, it is obvious that there was equal negotiation,
4 no one bullying the other, would you agree?

5 A. Yes, the only thing I will -- I will say yes. The only
6 thing I will add to that is I did not have a sense that
7 there was any sense of respect for the history of
8 Salt Cay and what had come before, and there was
9 a certain level of frustration on Stephan's part, as
10 well as my own, that there was a lack of a meeting of
11 the minds.

12 Q. But again, being fair, using your development knowledge,
13 and your experience in other walks of life, that is
14 quite common, isn't it, that one person can't always
15 understand the historical perspective of another when
16 they are having discussions.

17 A. If you travel throughout the Caribbean, you will realise
18 that Salt Cay is a very special place. There is no
19 place in the Caribbean that has been able to maintain
20 its history the way Salt Cay has.

21 Q. I could not agree with you more. I don't dispute that.
22 The point I am trying to make is that people from
23 different cultures and different perspectives, and
24 different business perspectives, often find it hard to
25 see quite how strongly someone feels about history.

1 SIR ROBIN AULD: That is a blinding glimpse of the obvious
2 which you can take it I am alive to, Mr Sturman.

3 MR STURMAN: Perhaps it is better in a submission later,
4 forgive me. It was a comment and I am supposed to ask
5 you questions rather than make speeches to you.

6 Second meeting, two days later, I suggest, perhaps
7 on the Thursday of that week, you came into Provo?

8 A. That is correct.

9 Q. To the office where Mr Kral was then working?

10 A. That is correct.

11 Q. And you brought with you your brother, yes?

12 A. That is correct.

13 Q. Did you bring Carlton Mills as well to that meeting?

14 A. I did indeed in his capacity as the minister of culture.

15 Q. Why did you need to bring a government minister to
16 a meeting with you -- between you and Stephan Kral about
17 the purchase of this land?

18 A. It was not about the purchase of the land. It was about
19 their master plan and the future of Salt Cay and
20 the conversation that we had with Dr Mills is, when
21 I was over in Salt Cay I thought: somebody other than
22 myself needs to be looking at this from the broader
23 perspective of the Turks & Caicos Islands and what more
24 perfect person to see this than Dr Mills because this is
25 under his purview; and so when we met, it was

1 specifically for Dr Mills to look at their master plan
2 because he was not present on Salt Cay. And when
3 Dr Mills saw the plans for that cut to the marina, he
4 said to Mr Kral: I bring my schoolchildren to this very
5 place to show them from whence they came and this was
6 the economy of these islands for generations and we are
7 all here today because of the activity that happened
8 right where you are putting that cut into the marina.
9 How will I bring my schoolchildren now and what will
10 I have to show them when I bring them to Salt Cay?
11 Q. Again, this meeting, very friendly. Mr Kral seemed
12 a bit surprised that you turned up with a government
13 minister to the meeting?
14 A. No, because I shared with him on Salt Cay that after
15 seeing his master plan that I thought it would be
16 helpful to have some expertise from the cultural
17 division of the government.
18 Q. At the end of that meeting, did you ask to see
19 Mr Hoffman again, and is that how you ended up with
20 the meeting at the airport?
21 A. We ended the meeting with me asking Dr Mills if there
22 was anything that I could do or we should be doing at
23 this point and with his staff, who I should be in touch
24 with his staff about the master plan and he said: oh no,
25 I personally will attend to this matter myself; and then

1 he left and at that point then Stephan and I discussed

2 having one more meeting.

3 I can't remember who initiated it.

4 Q. Was there a jocular phone call that night between you

5 and him? Let me see if I can jog your memory about it

6 in which he, in a very jocular way, because you had

7 turned up with Carlton Mills said: shall I bring

8 the Premier along.

9 A. He said that at the salt shed at Salt Cay on Tuesday.

10 Q. It was a joke, wasn't it? It was very much --

11 you brought one of your big friends, I will bring

12 somebody who I know is big?

13 A. I can't comment on the intention of that --

14 Q. Your husband the alpha male was -- in a way copying his

15 tactics, bringing the education minister with you to the

16 meeting?

17 A. I can't comment on that either, I am sorry.

18 Q. You were the one who asked him to come to the meeting --

19 A. Dr Mills.

20 Q. What was in your mind?

21 A. Yes, for him to look at the master plan and how this

22 fitted into his vision to preserve the material culture

23 of the Turks & Caicos Islands.

24 Q. At the meeting at the airport, may I suggest, that again

25 this was a very short but very amicable meeting in which

1 it became quite obvious that the parties were not going
2 to be able to reach agreement?

3 A. There was nothing amicable about that meeting. It was
4 quite unpleasant.

5 Q. What was unpleasant about what Mr Hoffman said at that
6 meeting?

7 A. Mr Hoffman said very little, as did Stephan.

8 Q. Were they even present for the whole thing?

9 A. They were present for the entire meeting.

10 Q. I suggest it was a very short meeting and whatever your
11 recollection of that conversation, if the Premier made
12 a remark about people having different opinions about
13 the 1680s, it was no more than a reference to some
14 people are not so fond of the early history of these
15 islands as others, would you agree?

16 A. Repeat your question, please.

17 Q. Any reference made about people having a different point
18 of view was, you understood to be no more than
19 a reference to the fact that those who came here as
20 slaves may not be so fond of the history of these
21 islands as those who came here as owners, would you
22 agree? It was no more than that.

23 A. I disagree. I object to when somebody says that I cut
24 down trees and steal resources. That is not
25 conciliatory conversation.

1 Q. I don't think he was suggesting that you cut down trees.

2 The trees were cut down 300 years ago, weren't they?

3 A. There is carbon dating that needs to be done to get to
4 the bottom of whether there were actually trees here or
5 not, low-lying shrubbery.

6 Q. For those areas where we can agree, if I can recap
7 before I am sure my Lord will be relieved that I am
8 finished, you did agree with 99 per cent, maybe only 95
9 per cent of the plan as being good for Salt Cay, yes?

10 A. I have said that.

11 Q. It was going to create employment?

12 A. That is correct.

13 Q. At Salt Cay?

14 A. That is correct.

15 Q. As long as the canal could be located in a place that
16 didn't structurally damage the White House, and so long
17 as you could be compensated for giving up your land on
18 the North Beach, it was possible there could be
19 agreement, yes?

20 A. As long as the historic district as it falls -- as it is
21 designated in the National Park Ordinance is not damaged
22 or destroyed and as long as the northern community is
23 not cut off from the southern community, on this small
24 island, then I was supportive of the master plan.

25 Q. How many people are living on Salt Cay now?

1 A. 60.

2 Q. How many of them have jobs?

3 A. They are retired.

4 Q. There is no children on Salt Cay at all --

5 SIR ROBIN AULD: Mr Sturman, where is this going?

6 MR STURMAN: Submission, forgive me. May I ask you one last

7 point about north cay and then I will sit down --

8 A. North cay?

9 Q. Forgive me, North Beach. Do you have that photograph?

10 A. Yes.

11 Q. Is your family land marked at numbers 60 and 59? Is

12 that your land?

13 A. That is correct.

14 Q. Now, to the right of it, as we look at it, is the plot

15 marked number 23. Who owns that?

16 A. It was my understanding that when I was acquiring

17 the property, that it was -- it was Dr Ewing, our

18 Surgeon General.

19 Q. Dr Ewing and a gentleman called Anthony Walkin as well,

20 did you know that?

21 A. I don't know that gentleman.

22 Q. On the left of your land, number 60, there is another

23 plot. Forgive me, 61.

24 Who owns that?

25 A. That is a gentleman by the name of Bob Stearn.

1 (11.30 am)

2 Q. Is he a lawyer from New York?

3 A. I don't know Bob Stearn well but I believe he is in
4 Delaware.

5 SIR ROBIN AULD: That makes all the difference.

6 MR STURMAN: It doesn't make any difference at all.

7 A. I am trying to be accurate. I am trying to be as
8 precise as possible.

9 Q. I can assure you there is no forensic significance to
10 that and there is no trickery to that.

11 A. A lot of people hate New Yorkers, so...

12 Q. Which state are you from?

13 A. North Carolina.

14 Q. The observation that the hotel was going to completely
15 surround your land was not therefore strictly accurate,
16 was it, because neither the owner of number 61 nor
17 the owner of number 23 was willing to sell either, did
18 you know that?

19 A. I did not know that.

20 Q. When you leave after your trip, will you be in
21 a position to let us have any e-mails and a copy of your
22 file within a relatively short space of time?

23 A. Yes -- I would like to be able to accommodate this as
24 much as possible but at the same time it takes --

25 SIR ROBIN AULD: I am sure Mrs Duff will liaise very closely

1 to see that you get anything that is relevant and
2 I think Mrs Dunn has made plain that she is willing to
3 do that.

4 MR STURMAN: Sir, again, I suggest that if a comment had
5 been made that you allege by Mr Hoffman about him owning
6 the government or controlling the government, you would
7 not have invited him to your wedding, and I suggest that
8 you falsified that, whether it is because you are
9 honestly misconstruing something that was said, or
10 whether because you have convinced yourself that
11 something is not true, I don't know, but I make it quite
12 plain: Mr Hoffman vehemently denies ever saying anything
13 of the sort.

14 SIR ROBIN AULD: Mr Sturman, before you sit down, I should
15 say something now which, having listened to Mrs Dunn and
16 your questions of her, turning on the historic aspects
17 of the White House, I should have declared before you
18 rose to question her.

19 Two years ago, I think it was two years ago, before
20 I had any notion that I would be back here engaged in
21 this exercise, I spent a few days in Grand Turk and
22 I visited Salt Cay, and I think that I might have been
23 taken there in the boat by a Harriott, and I was shown
24 around the White House inside and outside. So I am
25 pretty familiar with it, but I ought to declare it for

1 that reason and also in case anybody thinks I might have

2 an interest.

3 MR STURMAN: I will take instructions to see whether I am

4 going to ask my Lord to recuse himself and for us all to

5 start again.

6 SIR ROBIN AULD: Yes, Mr Fitzgerald.

7 Cross-examination by MR FITZGERALD

8 MR FITZGERALD: Mrs Dunn, just a few things to see if we

9 have some things we agree on.

10 A. May I ask your name, please?

11 Q. I am sorry, my name is Edward Fitzgerald and I represent

12 the Premier in this matter.

13 A. Thank you.

14 Q. The final meeting, the only meeting where you met

15 the Premier, that is to say at the airport, do you

16 recall that?

17 A. Yes.

18 Q. Just these three things at the start: your position

19 throughout has been that you weren't opposed in

20 principle to there being a development on Salt Cay?

21 A. That is correct.

22 Q. Indeed, you thought it might well be beneficial?

23 A. That is correct.

24 Q. The second thing is that this meeting, where you

25 encountered the Premier at the airport, was a pretty

- 1 short meeting?
- 2 A. Very much so.
- 3 Q. The talk with him may have been as short as five minutes
- 4 at the most?
- 5 A. I would say 20.
- 6 Q. The whole -- he thinks it was five at the most?
- 7 A. Okay.
- 8 Q. But pretty short?
- 9 A. That is correct. I mean, depending upon how pleasurable
- 10 or painful something is, things can feel like a long
- 11 time.
- 12 Q. I am not saying that you didn't find it offensive in
- 13 some way, but is this right: there is no question of him
- 14 making any threat to you or anything of that sort at
- 15 that meeting.
- 16 A. No, he is big and he feels threatening, but he didn't
- 17 say anything.
- 18 Q. Okay. Unless by virtue of him being big he is taken to
- 19 be a threat the whole time, he didn't make any specific
- 20 threats to you or anything?
- 21 A. That is correct.
- 22 Q. Now, the airport, you had already arranged to meet
- 23 Mr Kral and Mr Hoffman?
- 24 A. That is correct.
- 25 Q. There was no plan to meet with the Premier?

1 A. That is correct.

2 Q. He just arrived there?

3 A. That is correct.

4 Q. And I think he was on his way to the Dominican Republic,
5 is that right?

6 A. That is correct.

7 Q. Is this right, he was introduced to you by Mr Hoffman
8 and Mr Kral?

9 A. That is correct.

10 Q. As the Premier and you probably recognised him?

11 A. You know -- I recognise him. I don't know if we were
12 introduced. I just remember him sitting down.

13 Q. You were certainly introduced to him as the Dunns,
14 brother and sister.

15 A. I had a sense that we all knew who each other was as
16 soon as we sat down.

17 Q. He recalls being introduced to you and you being
18 introduced as the owners of the White House, the famous
19 --

20 A. That could have happened, that is fair.

21 Q. So that may well be right.

22 Just this, the third matter in relation to that, he
23 is quite sure that in fact there was no discussion about
24 the plan itself, that is to say the Salt Cay Development
25 plan between him and you, whether or not there had been

1 before? Is that right?

2 A. If you do not mind, if I can --

3 Q. He doesn't dispute some of the other things you say, but

4 he says there was no discussion between you and him

5 about the development plan?

6 A. This is the discussion that took place with him. This

7 is my little slideshow that I showed to Stephan and I

8 showed to the Premier and I showed it in context of

9 the master plan.

10 Q. Are you sure about that?

11 A. Absolutely positive.

12 Q. All right. In any event, your account is that this was

13 pretty cordial at that stage and you were saying: there

14 is not much between you and Stephan Kral and Mr Hoffman,

15 it is 1 per cent rather than 99 per cent, is that right?

16 A. The whole tone of the conversation, if I can share this

17 with you, is I am just trying to save a little piece of

18 our world and I am just making my little pitch. I am

19 trying to impress how important this is and that's what

20 I most clearly remember from an emotional place, if that

21 is what you are asking.

22 Q. But I think you said earlier that your recollection is

23 that he was saying, well, there doesn't seem much

24 difference if you are agreed on 99 per cent and there is

25 just 1 per cent?

1 A. That is correct.

2 Q. At that stage a pretty friendly atmosphere on your
3 account of what happened, is that right? 99 per cent
4 and 1 per cent?

5 A. You know, whenever a head of an country shows up
6 unexpectedly, it is always a surprise and it is always
7 quite intimidating.

8 Q. All right. I am not greatly familiar with meeting heads
9 of governments but okay. It has happened a lot, has it,
10 to you?

11 A. It doesn't happen -- it is --

12 Q. Heads of government are often showing up?

13 A. It has never happened here and it rarely happens and so
14 it is quite -- it sets you back a bit when it does.

15 Q. All right. I just want you to go to your statement at
16 paragraphs 20 and 21 because it may be that much of this
17 is agreed. You have talked about discussing the plans
18 for Salt Cay. Now, the Premier does not recall any
19 discussion about those plans and I put that to you.

20 Then, is this right, what he records is that you
21 were introduced and he said to you, words to the effect
22 of: how long have you been here.

23 You pointed out that your family had been here for
24 a very long time, since the 1640s, is that right?

25 A. Give or take a few years.

1 Q. He doesn't dispute that you were introduced, that he
2 asked how long you had been here, and you said for
3 a very long time, since the 1640s?
4 A. That is correct.
5 Q. And that he doesn't dispute either that then he said:
6 well, sir, you are a Bermudan because I think, is this
7 right, the original settlers of Salt Cay came from
8 Bermuda to Salt Cay?
9 A. That is correct.
10 Q. In order to engage in the salt trade?
11 A. That is correct.
12 Q. It is right as a historical fact that they used slave
13 labour?
14 A. That is absolutely correct.
15 Q. So he then --
16 A. Not necessarily that everybody used slave labour but
17 slave labour happened, yes.
18 Q. I am just trying to set the context for what the Premier
19 said later about some people suffering, okay, because it
20 is right that some people did suffer?
21 A. That is correct.
22 Q. So that is just a historical fact. Isn't it?
23 A. Yes.
24 Q. Now, he then made this remark about Bermuda and about
25 the fact the Prime Minister -- I have been telling

1 the Prime Minister of Bermuda that he owes us for all
2 the trees that were cut down; and he doesn't dispute
3 that he may well have said something about that and it
4 is something that he has said from time to time.

5 So you recall that?

6 A. That is correct.

7 Q. And you say: well, you tell the Premier of Bermuda that

8 I also want recompense.

9 A. That is correct.

10 Q. So at that stage, if I can put it this way, with respect

11 to you, you are on perfectly feisty unintimidated form;

12 you tell the Premier of Bermuda from me that I want

13 compensation too.

14 A. That is for you to describe my personality more so than

15 myself.

16 Q. Right, so not in the least bit intimidated. You are

17 telling him to pass a message from you on to the Premier

18 of Bermuda, that is right?

19 A. You can be intimidated and angry at the same time; you

20 don't have to be cowering to be intimidated.

21 Q. Then you said: we invested back into the salt business

22 everything we had until the industry collapsed.

23 A. That is correct.

24 Q. I am not disputing that that may well be correct.

25 I think the salt industry collapsed in the --

1 A. It was nationalised in the late 1950s/1960s.

2 Q. What the Premier then said and you recorded: well, there

3 is another opinion about that; another opinion, that is,

4 about the salt industry. He said: I don't want to get

5 into that; didn't he?

6 A. Yes, he did.

7 Q. So it was you who said: look, I want you to get into it.

8 A. I didn't know what he was talking about --

9 Q. You said: well, please do tell us about it.

10 A. Yes.

11 Q. Then all he said was: a lot of people suffered over

12 the years; which is true that in the use of slave

13 labour, many people did suffer, didn't they?

14 A. That is correct.

15 Q. Then he said: and the people from the Turks & Caicos

16 Islands may not feel about you as you feel about them.

17 He may well have said something of -- to that effect.

18 So there is no real dispute. What he says is, look,

19 this was not in a threatening or intimidating manner --

20 SIR ROBIN AULD: When did he say this, Mr -- this is

21 the case you are putting?

22 MR FITZGERALD: This is the case I am putting. I am putting

23 my instructions. We received this statement last night.

24 SIR ROBIN AULD: I have to tell you that this last part of

25 the account doesn't weigh very heavily in the scales.

1 It is a bantering, slightly abrasive conversation,
2 I suppose, in the way Northern Irishmen speak to
3 Southern Irishmen and vice versa from time to time.
4 MR FITZGERALD: Would you accept the Commissioner's
5 characterisation of this conversation; effectively this
6 was trading of historical banter about Bermuda and
7 Bermudans and about the fact that slave labour had been
8 used and it was not any more than that?
9 A. It was a very emotional time. It was not light, it was
10 not -- there was no banter, it was not --
11 SIR ROBIN AULD: I used the wrong word. It was not
12 light-hearted but it was an exchange.
13 A. It cuts to the core of saying this is not your home
14 after you have been here for 300 years. And anyone --
15 and it cuts to the core -- it cuts to the heart of
16 an individual who comes to Salt Cay and is pitting one
17 family against another.
18 MR FITZGERALD: All right. Can I put it this way,
19 throughout this, he never threatened you in any way, did
20 he?
21 A. No.
22 Q. And his recollection is that this was a brief
23 conversation, arising out of the fact of -- essentially
24 about the fact that your family originally came from
25 Bermuda and this crack about the Bermudans owing

1 the people of these islands for the cutting down of the
2 trees. That was really the essence of it. Is that
3 fair?

4 A. No, it is not fair. It was a big dark shadow in
5 the room. It was a big dark shadow. Very painful. It
6 was a very painful discussion. I left shaking.

7 Q. Can I put it this way --

8 A. I left shaking and I left crying, and when I read
9 through this again and have to talk about my father's
10 funeral and have to talk about these relationships in
11 Salt Cay that go way back when, and have to feel that
12 I have to defend myself --

13 Q. Madam, I am not asking to you defend yourself. I am
14 simply putting to you that this is what happened when
15 you met the Premier and that you may have been -- become
16 emotional and I understand that -- but that this wasn't
17 a case of him trying to make you emotional.

18 A. Why would he be there? Why was he there?

19 Q. You have accepted that he arrived on his way to
20 the Dominican Republic, is that right?

21 A. No, I did not accept that. You are asking me what his
22 motives are. I can't speak to his motives.

23 Q. There was no pre-arrangement for him being there, was
24 there? He didn't say: I will come and meet you at the
25 airport.

1 A. Perhaps, but doesn't that speak to Mr Kral's discussion
2 about --

3 SIR ROBIN AULD: Mr Fitzgerald, you have just asked too many
4 questions. You have put your chin out and asked
5 Mrs Dunn to sock it. She gave an account of this
6 meeting, and only one small part of it is in issue, and
7 I probably mischaracterised it by saying it was banter.
8 It was an exchange on a matter about which this lady
9 felt deeply.

10 MR FITZGERALD: Sir, I am obliged. I simply wanted to make
11 sure that I put my instructions fairly.

12 SIR ROBIN AULD: You have done that quite clearly.

13 MR FITZGERALD: As to his recollection of it, and I agree
14 with you, sir, that I have now put them, Madam I don't
15 think I need to take this any further. Thank you very
16 much.

17 SIR ROBIN AULD: Mrs Dunn referred to her slideshow.
18 Perhaps I might just have a look at that and I will
19 glance at it while listening with the other ear.

20 Re-examination by MRS DUFF

21 MRS DUFF: That is the first thing we were going to ask for.

22 SIR ROBIN AULD: You have it. (Handed)

23 (11.45 am)

24 MRS DUFF: The Commission hasn't seen that before, sir, and
25 I was going to ask Mrs Dunn if that could be part of the

1 file that she handed over for us to consider.

2 A. Yes, absolutely.

3 SIR ROBIN AULD: Yes you have some questions, Mrs Duff.

4 MRS DUFF: Mrs Dunn, you have been taken today to a small

5 bundle of correspondence. It is the first time you have

6 seen it for a little while, is that fair?

7 A. That is correct.

8 Q. There is probably no real need to go through it at all,

9 but what it helps us do is fix things in terms of

10 timing, because the dates of meetings are recounted in

11 these e-mails so we will know now precisely when it was

12 that these meetings took place. Is this the last

13 exchange on the first page, 17th July 2008?

14 SIR ROBIN AULD: This is bundle 1 or 2?

15 MRS DUFF: Bundle 2.

16 A. Bundle 2, page 1. This is the last interaction.

17 Q. This is the last --

18 A. Exchange.

19 Q. From Mr Kral to you?

20 A. That is correct.

21 Q. I am just looking at the middle paragraph there and what

22 he is pointing out to you in this paragraph:

23 "As we have said to you before, because of the

24 amount of land we already own or have leased on

25 Salt Cay, over 1,250 acres ... we do not actually need

1 any additional land to complete our development."

2 Does that fairly characterise what Mr Kral has been
3 saying to you throughout?

4 A. Yes. Well, there is two pieces. There is the land rate
5 which has been very consistent but "we no longer need to
6 engage with you" is very inconsistent, as evidenced by
7 all these meetings that we have had. They really were
8 very anxious to acquire this property in some way.

9 Q. If you could just turn to page 4 of that bundle, you
10 probably don't recall this now, but if anyone was
11 topping or trumping by calling ministers down on them,
12 the e-mail of 22nd May from Mr Kral again to you?

13 A. Yes.

14 Q. This is you and he discussing when you might be meeting?

15 A. That is correct.

16 Q. He says:

17 "I just have to arrange our meeting with Premier and
18 Governor which should be held on Thursday or Friday."

19 I don't know if that had any significance for you at
20 the time?

21 A. Well, when he says "our meeting", I am just trying to --

22 I don't think I was to be included in that meeting.

23 MRS DUFF: That is how I read it too.

24 A. It is nothing to do with me.

25 SIR ROBIN AULD: Do you think it is name dropping, do you?

1 A. I don't know, it is --

2 MR STURMAN: I think it is a reference to another meeting

3 that this lady wasn't going to be at.

4 A. It is for you to decide, Sir Robin.

5 MRS DUFF: One final matter if I might. You have mentioned

6 the name Bob Stearn. Is he your neighbour.

7 A. To the west.

8 Q. He owns one of the plots on this map, plot 61?

9 A. That is correct.

10 Q. Which is bigger than yours, in fact?

11 A. That is correct.

12 Q. Did Mr Stern buy about the same time as you? Do you

13 know anything about this?

14 A. I don't know, I am sorry.

15 Q. Have you discussed with Mr Stern whether or not he is

16 prepared to sell?

17 A. I have indeed, and he -- do you need me to speak --

18 I don't know if I should speak for him or not.

19 MR STURMAN: I can make this concession, he is not. He has

20 made it quite plain he is not willing to sell.

21 SIR ROBIN AULD: There was some discussion, was that

22 the effect of your discussion with Mr Stern?

23 A. Discussion with Mr Stern was that he made it clear to me

24 that he was not interested in selling.

25 MRS DUFF: Did these discussions range any wider than that?

1 A. The discussions also --

2 MR STURMAN: Discussions with Mr Stern about what? I wonder

3 if my learned friend would be a bit careful before

4 making a wide-ranging enquiry about hearsay which may or

5 may not be relevant to the issues before this

6 Commission.

7 MRS DUFF: Well --

8 A. We had land use discussions.

9 SIR ROBIN AULD: You don't know the answer, do you, Mrs

10 Duff? Is there anything relevant to the matters we have

11 been talking about today that you can speak of in your

12 conversations with Mr Stern?

13 A. I can say that Bob Stearn took time to contact me.

14 I did not contact him because he was concerned about

15 being able to get his plans through planning and zoning

16 and was asking my -- I guess for my advice. He was

17 faced with the same predicament I believe that I was

18 faced with, with that original meeting with Mr Hoffman,

19 when he stated: you will never be able to get your plans

20 through zoning. I think perhaps there was another

21 conversation with Bob about that.

22 MR STURMAN: This is the witness's belief --

23 A. That's true. It is.

24 Q. -- not from any conversation, and how has Mr Hoffman

25 suddenly been incorporated into this? With respect,

1 this line of questioning is so dangerous because it

2 elicits tittle-tattle.

3 MRS DUFF: I think it is probably unfair to characterise it

4 as tittle-tattle and this Inquiry is entitled to receive

5 hearsay evidence. I think that is beyond dispute.

6 MR STURMAN: But not speculation about what the state of

7 mind of Mr Stern may or may not be.

8 SIR ROBIN AULD: Let just see if it is speculation. Is it

9 belief that you are talking about, your belief about his

10 attitude? Or was there an exchange of conversation with

11 him about which you can tell us to indicate that?

12 A. If I could do. Bob Stearn contacted me and asked me

13 very specific questions about my interaction with these

14 individuals in Salt Cay, with Devco and specifically as

15 it related to his piece of property and his ability to

16 build a house there.

17 SIR ROBIN AULD: Yes.

18 A. And he said, I can't quote, but he said: the reason for

19 my call is because I have concerns to the effect, I have

20 concerns I will not be able to -- be able to build, that

21 things would be stopped through planning and zoning.

22 SIR ROBIN AULD: He made plain he didn't welcome it.

23 A. He made plain, excuse me?

24 SIR ROBIN AULD: He made plain he didn't welcome

25 the development.

1 A. Absolutely not. I was -- that is enough, thank you.

2 MRS DUFF: Thank you.

3 SIR ROBIN AULD: Thank you, Mrs Dunn. Your brother is here
4 to give evidence too. We normally break for a little
5 while about this time of the morning, five to ten
6 minutes, but you are free to leave the table and go back
7 where you were. I hope there is still a seat there for
8 you. Thank you for attending to give evidence.

9 A. Thank you, Sir Robin.

10 (11.51 am)

11 (A short break)

12 (11.58 am)

13 MR MICHAEL DUNN (sworn)

14 Examination in chief by MRS DUFF

15 SIR ROBIN AULD: Mr Dunn, you attend here on summons too,
16 don't you?

17 A. Yes, I do.

18 MRS DUFF: Mr Dunn, I don't know if you have in front of you
19 your deposition signed by your sister Georgia last
20 night?

21 A. Yes.

22 Q. You have read through that deposition?

23 A. I have.

24 Q. To the extent that you can comment on this, because it
25 doesn't all involve you, is it correct?

1 A. Yes, to the best of my knowledge, absolutely.

2 Q. You have not made a deposition for that reason?

3 A. No, that is right.

4 Q. Just so we can be clear, you weren't involved in

5 the meeting with Mr Katan in August 2007 or with

6 the meeting with Mr Hoffman shortly thereafter?

7 A. That is correct.

8 Q. But you were in the following meetings?

9 A. That is correct.

10 MRS DUFF: Thank you. There may be some other questions.

11 Cross-examination by MR STURMAN

12 MR STURMAN: Not many, I can assure you, Mr Dunn. Your

13 sister referred to some notes she had taken.

14 A. Yes.

15 Q. Did you have a chance to look at the notes before you or

16 then looked at this deposition?

17 A. I just looked at the deposition.

18 Q. Has she attended with a file of papers that relate to

19 this, do you know? Or did she just turn up with what we

20 now have, this deposition with all my scrawlings on it?

21 A. No, the notes -- the deposition was taken from notes

22 that we recorded at the time of all of the meetings.

23 Q. Where are those notes?

24 A. I think they are in the possession of my sister.

25 Q. Here?

1 SIR ROBIN AULD: I am sorry, there mustn't be any prompting.

2 This is very important. If these are contemporaneous

3 notes and they are available, these are the ones in the

4 US, are they?

5 A. Correct.

6 SIR ROBIN AULD: I had not realised there were

7 contemporaneous notes. These are the notes, I think,

8 Mr Sturman, that we have undertaken to obtain for you

9 with the co-operation of Mrs Dunn.

10 MR STURMAN: Please. Did the summons ask you to bring any

11 original documents or notes? I have not seen

12 the summons. Perhaps I could be helped.

13 MRS DUFF: I will get a copy for you.

14 MR STURMAN: Thank you. I am going to be really short,

15 I promise. I am not going to go over and rehearse what

16 has been asked of your sister. Just one little thing

17 that I didn't put to her, and I think I ought to give

18 you a chance to deal with it. It was suggested that

19 when the Salt Cay development company built

20 the infrastructure, they would cut off the roads.

21 I suggest that threat wasn't made at all and that if

22 such a threat had been made there would have been a real

23 complaint about that.

24 Wasn't it more along these lines: you are going to

25 be in your property on the North Shore and all around

1 you is going to be our development and golf course and
2 everything, so do you really want to stay there, wasn't
3 it more along those lines?

4 A. It is hard for me to be specific about that.

5 Q. May I say this, your sister is a pretty strong
6 character, isn't she? The nod speaks volumes.

7 A. She is.

8 Q. If someone threatened to cut off her access to
9 a property, boy you would hear about it, wouldn't you?

10 A. Well, I can tell you that she was sincerely concerned
11 about the -- her lack of ability to raise this issue
12 because of the lack of public officials to really talk
13 to.

14 Q. She was incredibly frustrated but they were only 1
15 per cent away from reaching agreement, and if we could
16 take the clock back --

17 SIR ROBIN AULD: Just -- I didn't hear the last part of that
18 answer. Forgive me for interrupting you. She was so
19 concerned about the lack of ability to?

20 A. Well, she just didn't feel like there was a voice in the
21 government to go to.

22 SIR ROBIN AULD: An official voice to go to?

23 A. Right, right.

24 Q. Except of course Carlton Mills was a friend of hers and
25 he was a voice in the government?

1 A. Right, sure.

2 Q. So this is not some disenfranchised person who owns no

3 land on Salt Cay. She is a very sophisticated,

4 well-educated, happy and successful lady with her own

5 friend in the government and she made, as far as you are

6 aware, no complaint at the time about a threat to cut

7 the roads off to the property on North Beach?

8 A. No, that is correct.

9 MR STURMAN: Thank you very much. I am not going to take

10 you through the rest because the following meetings you

11 were not at. Thank you for coming.

12 Cross-examination by MR FITZGERALD

13 MR FITZGERALD: Very briefly, Mr Dunn, just very briefly, as

14 you know, I act for the Premier. Would you agree with

15 your sister's account that this was a pretty short

16 meeting?

17 A. It was.

18 Q. That there is no suggestion that the Premier threatened

19 either of you in any way?

20 A. There was no overt threat.

21 Q. That you yourselves were not opposed to the idea of

22 there being this development in Salt Cay; it is just

23 the details of it that are in dispute, is that right?

24 A. We were supportive of the development as far as it

25 helped the community, but there were items within

1 the development plan that were going to be extremely

2 detrimental, we felt.

3 Q. Is this right, do you recall what your sister says was

4 that she said that they were 99 per cent behind

5 Mr Hoffman's plan and there was just 1 per cent of

6 disagreement, is that right?

7 A. Probably an exaggeration or a desire to be optimistic

8 about it.

9 Q. Right. But --

10 A. She --

11 Q. There was broad agreement, and her recollection is that

12 the Premier at that stage said: well, there is not --

13 doesn't seem to be much between you; is that right?

14 A. That is right, very true.

15 Q. The Premier himself does not recall any discussion of

16 the actual plans, although he -- can you recall yourself

17 now or would you be dependent on your notes?

18 A. No, I certainly remember my sister going through her

19 presentation that showed the historic buildings around

20 the White House and voicing her concern that

21 the development was going to impact -- historic region.

22 Q. As to the rest of paragraph 20 and 21 and 22, you

23 broadly agree with what your sister says, is that right?

24 A. Let me just --

25 Q. I put to you that he disagrees that there was discussion

1 about the development plans, but apart from that, about
2 the discussion about how long have you been here,
3 the discussion about Bermuda, the discussion about
4 the fact that people had suffered in the past?

5 A. Absolutely.

6 Q. Those discussions, there is no dispute that they took
7 place?

8 A. No.

9 Q. I think the dispute between us may be about the tone in
10 which they took place?

11 A. Sure, okay.

12 Q. Just so -- the Premier says: yes, there was discussion
13 about Bermuda; yes, there was discussion about the past
14 but it wasn't in a threatening manner and that you
15 parted in a friendly way. Is that fair?

16 A. I am a conciliatory person, and I am not sure I can go
17 back right now and say that -- I would love to say that,
18 you know, I enjoyed the meeting and it was a positive
19 meeting but I did feel a certain amount of tension there
20 but those are my own emotions and my sister, I think,
21 was certainly surprised by the Premier and I was too.
22 That certainly is going to have a bearing in terms of
23 how we perceive that.

24 Q. You yourself are not putting it any higher than that
25 there was a certain amount of tension, is that right?

1 A. It was -- yes, there was tension there.

2 MR FITZGERALD: Sir, I have no further questions.

3 SIR ROBIN AULD: Just so I know where we end up with this,

4 you said earlier when it was -- you were asked about

5 this that there was no overt threat, you qualified your

6 answer and you have just referred to tension. What sort

7 of tension, how would you describe it?

8 A. I don't know, I was just surprised by the fact that

9 the Premier showed up and I didn't know -- I am just not

10 used to having an elected official show up suddenly like

11 that.

12 SIR ROBIN AULD: That was the nature of your surprise?

13 A. I think so, yes.

14 SIR ROBIN AULD: Surprised at seeing the Premier. Those are

15 all your questions, are they, Mr Fitzgerald?

16 MR FITZGERALD: Yes, sir.

17 Re-examination by MRS DUFF

18 MRS DUFF: Just to go back to that last meeting, you arrived

19 and met with Mr Hoffman and Mr Kral?

20 A. Yes.

21 Q. The Premier arrived later?

22 A. Yes.

23 Q. Is that right?

24 A. Yes.

25 Q. You have told us that Mr Hoffman and Mr Kral were going

1 to the Dominican Republic?

2 A. Yes.

3 Q. That is why the meeting was held where it was. I think

4 we have heard this morning that that is where

5 the Premier was going too. Do you know if they were

6 going there together?

7 A. I believe Stephan said something to that effect.

8 SIR ROBIN AULD: I can't hear you very clearly, I am afraid.

9 MR STURMAN: I believe he said something to that effect.

10 A. I believe that Stephan Kral said something to that

11 effect.

12 MRS DUFF: Thank you, Mr Dunn.

13 SIR ROBIN AULD: Mr Dunn thank you too for coming here. You

14 have come a long way. We have another witness to follow

15 you now. You are of course entitled to remain in

16 the room but no longer as a witness.

17 A. Thank you, very good.

18 (12.10 pm)

19 MR FITZGERALD: Sir, I have been asked to remind you of the

20 order that you made in respect of the disclosure of the

21 documents and --

22 SIR ROBIN AULD: You mean Mrs Dunn's documents?

23 MR FITZGERALD: No, this is in respect of the documents that

24 were made --

25 SIR ROBIN AULD: Just a minute. Let's let

1 Mrs Lisa-Raye McCoy Misick get settled first.

2 MRS LISA-RAYE MCCOY MISICK (sworn)

3 SIR ROBIN AULD: Madam, what is the best way for us all to

4 address you?

5 A. What do you mean?

6 SIR ROBIN AULD: Your name is double-barrelled, is it,

7 Mrs McCoy Misick, is that the right way to do it?

8 A. Yes.

9 SIR ROBIN AULD: I just want to know so you feel comfortable

10 with the questions. Now, Mr Fitzgerald, as you know, he

11 appears on behalf of the Premier and we had some

12 discussion yesterday about documents and I am going to

13 ask you, Mr Fitzgerald, to tell me what has happened

14 about the documents.

15 MR FITZGERALD: Yes, they have been disclosed, sir, but

16 I understand you made an order, but you were going to

17 repeat it in open court, because it was -- the documents

18 were then disclosed to Mrs Lisa-Raye McCoy Misick and

19 she has had the opportunity to see the documents, that

20 is to say our statements and the three supporting

21 bundles. But it was on condition that those papers were

22 returned to the Commission.

23 SIR ROBIN AULD: Yes, I understood all that had been

24 committed to writing, had it not?

25 MR FITZGERALD: I don't know, I was asked by my learned

1 friend to raise the matter so that it would be clear.

2 SIR ROBIN AULD: That is clearly the case, and they will be

3 returned and there are some other provisions that

4 I can't remember now but I remember we went through them

5 yesterday.

6 MR FITZGERALD: Fine. It was just to get that on the

7 transcript that there has been an order that those

8 papers be returned to the Commission, that they do not

9 be photocopied and do not be made use of for any other

10 purposes.

11 SIR ROBIN AULD: Yes.

12 MR PRUDHOE: Sir, there was another requirement that they

13 not be marked in any way, and I have only post-it noted

14 them. I have not marked any of the documents.

15 SIR ROBIN AULD: That must be very frustrating.

16 MR PRUDHOE: Extremely.

17 SIR ROBIN AULD: Thank you very much. Mrs McCoy Misick,

18 have you had an opportunity to look at the documents

19 yourself?

20 A. Some, yes.

21 SIR ROBIN AULD: Yes. Mr Milne.

22 Examination-in-chief by MR MILNE

23 MR MILNE: Good morning, Mrs McCoy Misick. I am going to be

24 asking you some questions.

25 I will from time to time be asking you questions

1 which relate to documents. I will try and keep that to
2 a minimum but it may be I will have to ask you to look
3 at some files.

4 First of all, can we just try to put a little
5 historical perspective on the evidence you are going to
6 give to us.

7 You have been, and I think until the decree comes
8 through, technically remain the wife of the Premier,
9 Mr Michael Misick?

10 A. Yes, unfortunately.

11 Q. You were married to him in April of 2006, I think, which
12 is fairly well publicly documented. Can you tell us
13 when it was that you first met Mr Misick?

14 A. In June of 2005, I believe.

15 Q. So that would be about ten months before your marriage?

16 A. Yes.

17 Q. Having been introduced to him, did you form
18 a relationship with him over a period of months?

19 A. Yes.

20 Q. Again, I am dealing with some things which are well
21 documented publicly and will be obvious to everybody
22 here, but you had a career in the US and you are a US
23 citizen.

24 A. I still do have a career in the US.

25 Q. I am not suggesting it has come to an end, but at the

1 time you were working in the US, and I think as
2 an actress and to some extent as a model, is that right?

3 A. I was a star of a successful sitcom called All of Us,
4 produced by Will Smith and his wife Jada Pinkett Smith,
5 and I was a spokesperson and a motivational speaker and
6 a model.

7 SIR ROBIN AULD: I think we are going to have to remember
8 the court reporters here, and I have already forgotten
9 in one respect, and that is there has been a degree of
10 over-talking between counsel and witness. Mr Milne is
11 not the main offender, usually I am or other counsel, so
12 we must all be careful to make sure there is a gap
13 between the question and the answer, and if you can
14 speak a little more slowly and a little more loudly, so
15 that every word can be recorded.

16 A. Sure.

17 SIR ROBIN AULD: Now, let's start again on that matter.

18 MR MILNE: I think Mrs McCoy Misick was essentially setting
19 out that she had been the star of a successful sitcom
20 and that that was produced by Will Smith, who is
21 a well-known Hollywood actor, and his wife, I believe,
22 as well.

23 A. Correct.

24 Q. By the nature of your work, you lived in California, you
25 lived in Los Angeles?

1 A. Yes.

2 Q. Although I think originally you were from Chicago, is
3 that correct?

4 A. Yes.

5 Q. Do you still have family in Chicago?

6 A. Yes.

7 Q. In terms of family prior to your meeting and
8 subsequently marrying Mr Misick, you had a daughter,
9 I believe, from an earlier relationship?

10 A. Yes.

11 Q. Over the months following your meeting, the time that
12 you spent with Mr Misick, did that tend to be in
13 California or the Turks & Caicos Islands or elsewhere?

14 A. We met in Atlanta at the Trumpet Awards and I was
15 introduced to him. A couple of weeks later he met me in
16 Jamaica where I was hosting an event for the weekend and
17 he brought me back to Turks & Caicos for 18 hours. That
18 was my first time here, first time hearing about
19 the island, and thereafter I came back four days later
20 and then I was back and forth on the weekends.

21 Q. It is quite a distance to travel to come simply for
22 a weekend. Would you fly direct?

23 A. In the very beginning I did, and then it became a little
24 taxing because of the layover in Miami and the time
25 difference in which I would get here would only allow us

- 1 maybe a day and a half to be together, so he started
- 2 renting jets for me to come.
- 3 Q. He would rent jets presumably to collect you from
- 4 an airport in the Los Angeles area?
- 5 A. Van Nuys airport in Burbank, California.
- 6 Q. And fly direct to Providenciales?
- 7 A. Yes.
- 8 Q. Would he arrive on the jet to pick you up or would
- 9 the jet simply bring you across?
- 10 A. Sometimes he would arrive and I would come back with him
- 11 and sometimes the plane would bring me along.
- 12 Q. The decision to do that, to spend money on the jets, was
- 13 that your decision or his?
- 14 A. No, it was his decision.
- 15 Q. Did you have any inkling of the likely cost of flying
- 16 a jet back and forth in that fashion?
- 17 A. Not in the very beginning, no.
- 18 Q. Have you learnt since how much it was costing?
- 19 A. Yes.
- 20 Q. How much would it be?
- 21 A. Around 50,000 a trip.
- 22 Q. So \$50,000 for a weekend essentially?
- 23 A. 50,000 one way.
- 24 Q. Right. So 50,000 one way and 50,000 going back as well?
- 25 A. Yes.

1 Q. Can you say now roughly how many times that arrangement
2 was put in place, that you would use private jets during
3 the period before your marriage?

4 A. At least two or three times a month.

5 Q. This is over a period of how many months?

6 A. I am sorry?

7 Q. Forgive me, you said at the outset that you were flying
8 with commercial scheduled airlines, but subsequently he
9 started using private jets. How many months were you
10 flying in private jets back and forth?

11 A. It started maybe a month and a half after we met.

12 SIR ROBIN AULD: The private jets did?

13 A. Yes.

14 MR MILNE: Did that arrangement continue up until the time
15 of your marriage?

16 A. Yes, I jokingly said that I need a plane, we need
17 a plane and he started looking into getting a plane and
18 then eventually we got one and I used that plane.

19 Q. After you were married, which was April 2006, where did
20 you live from that point forward, were you living
21 together or separately?

22 A. Both. I have a house prior to marrying Premier Misick
23 in LA that I owned and then I would come here. We had
24 an older house in Leeward Estates before we moved to the
25 house that we are now.

1 Q. Just so we have some idea of the domestic arrangements,
2 clearly, you had obligations still in California insofar
3 as your work was continuing there on television?

4 A. Yes, I had a contract for five years.

5 Q. So once you were married, was there a different
6 arrangement, would you be spending more time in
7 the Turks & Caicos Islands or was it still a process of
8 commuting back and forth from the USA on a weekly basis?

9 A. I had to commute because I have a contractual agreement
10 with the production company to tape Monday through
11 Friday. So the weekends were only mine. If in course
12 there was not any promotional events that I had to go
13 to.

14 Q. We have been shown copies of documents that relate to
15 a private aeroplane, and I think this may be
16 the document you are referring to. Sir, it is in our
17 bundle 3 for the Premier.

18 I am hoping that you have that in front of you.

19 MR PRUDHOE: Sir, can I clarify in relation to the bundle,
20 the bundle that I have received, documents, it turns out
21 that I have to turn over to the witness, so I should
22 make it clear, it has my post-it notes upon it, though
23 they have not been annotated.

24 SIR ROBIN AULD: Doesn't sound worrying to me, Mr Prudhoe.

25 MR MILNE: I am going to ask you to turn to page 1044.

1 SIR ROBIN AULD: The Premier's bundle 3, tab 4.

2 A. I have it.

3 MR MILNE: I hope what you have in front of you now is

4 a photograph. It is a photocopied photograph so it is

5 not very clear but it is, we understand, a Gulf Stream

6 aeroplane. Do you recognise that?

7 A. Yes.

8 Q. Is that -- obviously you can't see the registration

9 number, but does that appear to be the one that you

10 understood was subsequently acquired?

11 A. Yes.

12 Q. Would you turn over the page from there, please. What

13 we have at page 1045, the following page, is a document

14 headed "Wealth Aviation". It is not the complete

15 document because it is clear from the heading at the top

16 that this is an appendix to perhaps a bigger document

17 but it appears to be a proposal of a sale of

18 a Gulf Stream 3 aircraft, built in 1983, bearing

19 the registration N165G.

20 Over the following page, 1046 there is a document

21 which is similarly Wealth Aviation, headed up "Offer to

22 Purchase", and there are names typed in, I make clear,

23 no signature on this document but it appears to be

24 an offer from somebody called Tai Eason, who gives

25 an address at the Howard Hughes Parkway in Las Vegas to

1 sell the aircraft.

2 The purchaser is typed in as Michael Misick Premier
3 and it gives the government address, Government Square
4 in Grand Turk.

5 Had you ever seen this document before?

6 A. No.

7 Q. The document relates to an aircraft N165G, which is in
8 fact the photograph that we see before. Did you ever
9 come across this aircraft?

10 A. Yes.

11 Q. Did you ever travel in it?

12 A. Yes but let me say this, the first page on 1045,

13 I remember seeing the breakdown of the plane.

14 I remember seeing paperwork on that.

15 Q. Where was it that you saw that paperwork? Where were

16 you at the time, I should say?

17 A. On the plane, one of our trips in home, here in

18 Turks & Caicos.

19 Q. So were you flying in this plane when you saw

20 the paperwork in relation to it?

21 A. Yes.

22 Q. You were being flown from Los Angeles to Turks & Caicos?

23 A. No. We were being flown from Miami.

24 Q. I beg your pardon?

25 A. To Turks & Caicos.

1 Q. From your conversations at the time, what did you
2 understand was the purpose of the documentation, why did
3 you have the documents?

4 A. We were buying the plane. We bought the plane.

5 Q. Did the Premier tell you that you were buying the plane
6 or did you understand that from some other source?

7 A. No he told me.

8 Q. The document we have, again the undated one --
9 the unsigned one is actually dated from March 2007.

10 That may be a prompt, it may not. Does it help you put
11 any sort of timeframe on when it was that you first
12 started using that plane?

13 A. A little.

14 Q. Would it have been around then or do you think it was
15 much earlier, much later than that?

16 A. It would be around then.

17 Q. In the period before the purchase, clearly this is
18 nearly a year after your marriage, had there been any
19 other planes being used?

20 A. Other than the ones that he would rent?

21 Q. Other than the ones he would rent.

22 A. We would utilise one of his friend's planes,
23 Mario Hoffman.

24 Q. So he would borrow a plane from Mr Hoffman?

25 A. Yes.

1 Q. And where did you fly in that plane?

2 A. One time we flew from here to Miami, Miami to LA.

3 SIR ROBIN AULD: What in the same trip?

4 A. Same trip. There was one other trip but I can't really

5 remember where we were coming from or going to.

6 Q. You say that there came a point -- I will come back to

7 Mr Hoffman in a short while. You say there came a point

8 where you travelled in this plane, N165G, and you

9 understood that it was going to be bought. When you

10 learnt that, did you do anything about it, did you make

11 any arrangements?

12 A. Well, my part of it was we wanted to change the inside,

13 the interior of the plane, cabinetry, add some TVs,

14 telephone, I was going to put the family crest in

15 the carpet, that sort of thing.

16 Q. We have been shown a document. I think, is it true, you

17 had gone to the trouble of having a family crest

18 designed?

19 A. Yes.

20 Q. It says "L and M" on it, I am going to guess that means

21 Lisa-Raye and Michael?

22 A. Yes.

23 Q. In the event, did you discuss this customising, if I can

24 call it that, with the Premier?

25 A. Yes. Actually we went steps further than that.

1 Actually we went through the plane with a fine toothcomb
2 with our captain, Captain Mike and we pointed out
3 everything that we wanted, colours, fabrics. He was
4 actually sending me swatches, prices. We went through
5 the whole thing. Actually I thought it was being done
6 for some period of time when I did not see the plane for
7 a while.

8 (12.30 pm)

9 Q. I will pause you there for a second. You have referred
10 to Captain Mike. Some of the documents, I needn't
11 trouble you with them now, we see reference to
12 a gentleman called Mike Brassington. Is that the man
13 you knew as Captain Mike?

14 A. I do not recall his last name.

15 Q. Fair enough, I will take it no further.

16 But the process that you were going through, you
17 said: he sent me swatches. Is that Captain Mike sent
18 them or did the Premier send you these?

19 A. They faxed me coloured swatches and then that was not
20 good enough for me, and so as I was waiting for them to
21 send me everything, I asked Michael: where is
22 everything. He said they sent it to Jeffrey Watson,
23 a friend of his. And I said: why would they send it to
24 him when I am the one clearly picking the colours; and
25 he said: he is going to send them to you, he was coming

1 down, he just forgot about them; because I just saw him

2 the weekend before.

3 Q. You had seen Jeffrey Watson the weekend before?

4 A. Mm-hmm. He did not give me anything, so I kind of was

5 like: why did he not give them to me. I kind of felt

6 like they were being held from me.

7 Q. First of all, can I ask you, how often did you meet

8 Jeffrey Watson?

9 A. Quite a bit. He would come to the island. He would

10 stay with us at the house.

11 Q. Was he a family friend?

12 A. He was Michael's friend.

13 Q. We understand that he is a US citizen, is that right?

14 A. Yes.

15 Q. Up to that point, when Jeffrey was mentioned in

16 the context of the plane, did you understand that

17 Jeffrey had any connection at all with the plane?

18 A. No.

19 Q. Having made the plans that you have described and having

20 gone to the trouble you described, in the end did you

21 get the opportunity to do the work that you wanted on

22 the interior of the aircraft?

23 A. No. Some things were fixed on the plane that needed to

24 be fixed in the inspection, but none of the carpentry

25 and the tv ads, none of that was done.

1 Q. Was it ever suggested to you that in fact you didn't own

2 the plane and you had no right to do that?

3 A. Never, no. I never knew that we did not own the plane

4 at all.

5 Q. During the period that you were married to the Premier,

6 and this plane was being used, where did it take you?

7 What sort of trips did you make on it?

8 A. All of our trips. Vacations, we took a trip to Africa

9 for two weeks, two and a half weeks. We would go and

10 visit my daughter in school in Switzerland. Milan,

11 Prague, LA, I was on tour doing a play, so on the

12 weekend the plane could come pick me up and bring me

13 back home and get back to the play on Sunday.

14 Everywhere we travelled.

15 Q. So it was a regular or frequent event that you used this

16 plane?

17 A. Yes. However, let me add this: I actually sometimes

18 like to fly commercial. I think it is a part of my

19 business to allow people to see me, so I like to kind of

20 go through the airports. So I would sometimes say: no,

21 I want to take a commercial flight, it is okay. But

22 I would miss some flights, so he didn't like that, so he

23 would send the plane to get me if I said I was stuck in

24 Miami and I would come in the morning, he would say: no,

25 I am going to send the plane or a plane to come and get

1 you; as if though I could not stay in Miami for whatever
2 reason.

3 Q. On the trips that you were making, particularly
4 the trips overseas, were you ever present when he --
5 your husband appeared to be working?

6 A. We took a trip to Dubai where he spoke on a panel there.
7 Some type of tourist conference.

8 Q. But the other trips that you took to the US, to Europe,
9 to Africa, as far as you were aware, was any of that
10 working time for the Premier or was it vacation time
11 that he was spending with you?

12 A. Well, we -- he didn't have any business in the States so
13 that was personal. Our Africa trip was vacation,
14 personal. We went to London one time and that was
15 business and personal. But majority personal.

16 Q. Leaving that to one side for a minute and looking, as it
17 were, at the bigger picture, your husband clearly was
18 a man who is prepared to spend money. When you first
19 met him, was money discussed between the two of you at
20 all?

21 A. We had a quick romance. We met. I came to
22 Turks & Caicos. Before I really realised who he was,
23 I had committed to come back three days later, which
24 I did with my mother, my daughter, my aunt and my niece.
25 Then after that I was coming back and forth.

1 Michael asked me to marry him a month after that and
2 I was kind of blown away because I had just wrote a list
3 of the type of man that I wanted in my life, and I kind
4 of felt that God kind of sent him to me to take me away
5 like --

6 SIR ROBIN AULD: Please, this witness is entitled to
7 the respect that all witnesses have had in this, and it
8 is very disconcerting when you are giving evidence to
9 try to pay attention to the questions, give truthful and
10 accurate answers, if you are conscious of a feedback
11 from the audience all the time. If there is any more
12 overt noise, I shall clear the room.

13 Yes, Mr Milne.

14 MR MILNE: I think we can reasonably assume it was a happy
15 time in your life and you clearly were, I don't seek to
16 pry, but I assume you were in love?

17 A. I was taken away by the process of finding that man in
18 my life. I did not know who he was actually until after
19 I had that connection and that commitment to come back.
20 I was actually going through the airport when he was
21 putting me on the plane and I saw a picture of him on
22 the wall, and I looked at him and I looked at the
23 picture, and I said: oh my God, I am with the president;
24 and so that is when I kind of knew at that point.

25 When I visited maybe three times after our first

1 meeting, we were actually in the ocean and he said to
2 me: "I just left my attorney's office and he wants you
3 to sign a pre-nup". And I said: "I don't have a problem
4 with signing a pre-nup because I don't even know how
5 much you are worth". And he said: "but I don't want you
6 to"; and I kind of felt like, really? Wow. I had mixed
7 emotions like really? Wow and why, you know?

8 Q. Yes. Did you ever come back to the topic, did you ever
9 discuss his net worth at that stage?

10 A. We did. Actually I had him write out his assets, but it
11 really didn't mean anything to me because I was not
12 familiar with Turks & Caicos, so much of what he said,
13 it just sounded like a lot. I didn't know what it
14 really was.

15 Q. As far as you knew at that stage, did he own property?

16 A. Yes.

17 Q. As in real estate, to be clear?

18 A. Yes.

19 Q. Clearly he was a high-profile individual, he was
20 the Chief Minister or Premier of the Islands and that
21 must have been something that was quite impressive in
22 one sense.

23 A. I didn't really know at the time what a minister of
24 tourism meant, but I did know that being
25 the Chief Minister was the head person in charge. Yes,

1 I knew that.

2 Q. As far as the spending of money was concerned, would it
3 be fair to say that he was generous and open-handed in
4 his spending?

5 A. Very, very sweet, very giving.

6 Q. Did he ever make any comment, other than the discussions
7 for a pre-nup, about his state of affluence?

8 A. There was one thing he would always say constantly: we
9 are rich, you don't have to work any more, I am your
10 stability, I am your rock. Because I was a single
11 parent for 16 years, my personal struggle was kind of
12 hard. So he would always say: you are not alone and you
13 are not in this by yourself, you don't have to work any
14 more, what is yours is yours, what is mine is yours, we
15 are rich; and it is like I got it, I got it, you know?

16 Q. Am I right in thinking, though, that part of the
17 discussion was that he was encouraging you to spend more
18 time with him in the Turks & Caicos and less on your
19 career?

20 A. After a while it did come to be that.

21 Q. Obviously that is a personal discussion between the two
22 of you and it is perhaps in many marriages, I suspect.

23 A. It took me by surprise because he did promise before
24 we got married that I did not have to change anything.
25 I did let him know that I was not finished doing what

1 I wanted to do, branding my name and making my mark in

2 Hollywood. I enjoy acting and I don't want to quit.

3 Q. As far as provision of funds is concerned, clearly

4 because you had a career, you had income from your

5 professional commitments in USA. Did he provide for

6 you, though, in terms of paying bills, covering credit

7 cards, matters of that nature?

8 A. After a while we did sit down and discuss how he was

9 going to take care of me and my businesses. I have

10 a business called My Way Productions.

11 Q. I am going to pause you there a second because that is

12 a name, it is close to a name that we have heard during

13 the course of the Inquiry.

14 Your business, My Way Productions, is that

15 a Turks & Caicos company or a US company?

16 A. A US company.

17 Q. Based, I take it, in California?

18 A. Yes.

19 Q. Was that one of the -- that was one of your companies,

20 I don't need to know about the others but one of your

21 companies in the USA?

22 A. Yes.

23 Q. Because the title of a company we have heard mentioned

24 in this context is My Way Productions 2 Limited?

25 A. Yes.

1 Q. They are separate companies, but with My Way Productions

2 2 in the Turks & Caicos?

3 A. Yes.

4 Q. Is that the set up? Your company in the USA then,

5 My Way Productions, what did you use that company for,

6 what was the purpose?

7 A. For my income from my show, from any performances,

8 motivational speaking or events that I would have,

9 I would contract my make-up artist, my stylist, my staff

10 at my house, my assistant, my staff.

11 Q. Can we take it that that company, based in California,

12 presumably had bank account or bank accounts in

13 California and maybe staff who helped to run it

14 and administer it?

15 A. Yes. I have a business accountant, managers that takes

16 care of my bills and pays them.

17 Q. We are going to come in a few minutes to other accounts

18 that touch on the Turks & Caicos Islands.

19 The topic of some interest has been

20 an American Express card that was used by the Premier,

21 and we have seen that the account with American Express

22 in fact had more than one card, and that one of the

23 cards was in your name, do you recall that?

24 A. Yes.

25 Q. Just for ease, it could be best if you took the bundle 3

1 that you were looking at a moment ago and if you could
2 turn, please, within that to page 1014.

3 I am picking this purely as a sample. It is not
4 the world's best photocopy. It does appear to be a page
5 from a statement of account. The American Express is
6 known as the Centurion card which is a brand name.
7 These entries we see here appear to reflect a period in
8 May of 2007. Do you recognise that? Is that your
9 statement?

10 A. Yes.

11 Q. Or a page from your statements. In fact we can see --

12 I am not going to go into the detail -- but it is clear
13 that there is spending in US, Florida, Illinois,
14 Chicago. I think it reflects also a bit of a trip to
15 London at one point?

16 A. Lausanne, Switzerland, where my daughter was going to
17 school.

18 Q. We see Liberty and Harrods got a look-in on the way.

19 But that was the card that you were provided with. Did
20 you pay that bill or did your husband cover the costs on
21 that bill?

22 A. He paid this bill.

23 Q. Clearly there would be one account although it is
24 separated between cards -- there would be one statement
25 produced. Did those statements ever come to you or did

1 you simply leave it to him to administer that?

2 A. We got very little mail at our house. I didn't see any
3 bills. I would only see the ones that I guess maybe he
4 had some discrepancy about and he would ask me about.

5 Q. The statement that I showed you a moment ago, the single
6 page dates, as I say, from around May. Reflects usage
7 in May 2007. Can you say -- had you had the card for
8 very long before that particular time?

9 A. I can't remember.

10 (12.45 pm)

11 Q. Roughly, I am not seeking to hold you to a precise
12 figure, how much would you say you were spending each
13 month on that card?

14 A. It depends on what -- how much I was travelling and what
15 I had to do. Let me explain. I had to change my
16 wardrobe, so to speak, from my Hollywood lifestyle to
17 the First Lady lifestyle, and so I had to, you know, get
18 hats and gloves and different suits and only wear white,
19 so I am very limited on the things that I wear. And
20 based on my lifestyle in California, there are things
21 that I wear that if I do an event, I can't wear more
22 than once.

23 Q. Right.

24 A. So that depends if I had to do a lot of shopping, and he
25 too, coming into my world, there was a difference in

1 what he had to -- how he had to --

2 Q. Acclimatise perhaps?

3 A. Present himself.

4 SIR ROBIN AULD: Mr Milne is after a figure, it is probably

5 an impossible figure, but what he is after is a very

6 rough indication of how much you might spend, say, over

7 a period of months per month.

8 A. I just know that one time it was \$200,000 and it

9 probably was more than once, but this one time he came

10 to me and he said: you are spending too much money; and

11 I said: let's go through the bill; and we went through

12 the bill and I had to show him, remember this is what

13 you told me to get for this and this was because of

14 that; so I had to break it down to him so he wouldn't

15 think that I was out just saying: let me just buy

16 anything and everything.

17 Q. You described changing your outfits in the sense of

18 having to put on a different wardrobe. Is that

19 something that you felt you had to do or something that

20 he suggested you should do?

21 A. A little bit of both. I wanted to fit the bill. My

22 reputation as an artist in the States is much different

23 than a First Lady and so I was trying to fit in and

24 trying to be embraced and trying to do the right thing.

25 Q. In terms of the spending that you did together, how

1 would you describe that?

2 A. No limit.

3 Q. Right. Did you do a lot of entertaining?

4 A. An awful lot.

5 Q. Here or abroad?

6 A. Here.

7 Q. I think there was one occasion where you, together with

8 your husband, provided what is known as a wrap party, is

9 that right?

10 A. Yes.

11 Q. Is that the end of a series where there is essentially

12 a party for everybody who has worked on the television

13 show?

14 A. Yes, during the end of your run, your show coming back

15 you get the word that you are coming back, you have

16 a wrap party in conclusion. It is normally a big to-do

17 kind of thing and we wanted to give the best damn wrap

18 party in 24 hours.

19 Q. Did you manage that?

20 A. Yes, we did. We flew the writers, the director,

21 the producer and the actors here for 24 hours and showed

22 them a good time. I wanted them to see what

23 Turks & Caicos had to offer, I wanted them to see

24 the waters, I wanted them to be able to experience it so

25 when they go back they can tell everybody.

1 SIR ROBIN AULD: When you say he flew them here, do you mean

2 he paid for their air fares and scheduled flights or he

3 ferried them across in a plane or what?

4 A. No, he paid for them on commercial flight and put them

5 up in a hotel.

6 MR MILNE: Simply a year, can you say which year that

7 happened?

8 A. 2006.

9 Q. After your marriage, would that have been?

10 A. No, it was not after my marriage.

11 Q. Before your marriage in 2006. So some time in the early

12 part of that year.

13 A. Mmm hmm.

14 Q. Dealing with the house that the Premier had here, we

15 know that the Premier has a large house at the Leeward

16 end of the island. When you first met him, what was

17 the situation with that house? How far had it got,

18 because it was being built?

19 A. Yes, it wasn't built yet. We were living in a smaller

20 house on the beach on Leeward, in Leeward Estate still,

21 and he had the blueprints for the house and so I came in

22 just enough time to change some of the blueprints. He

23 was building one master bedroom, he said, and so I kind

24 of divided that and made other rooms and made

25 the kitchen a little bit bigger, I like to cook, so --

1 I kind of added my flair, if you will.

2 Q. A case of adding a woman's touch to what would otherwise

3 be a more masculine set-up, I suspect?

4 A. Yes, I am a family person and so -- I am a people

5 person, I love people, so I knew that I wanted more than

6 one bedroom in the house.

7 Q. Such design costs money. Do you know roughly how much

8 was spent on that?

9 A. Not on the house itself, I was here a couple of weeks

10 ago when Michael was in the hearing and I would hear

11 different figures and I now know that the house was

12 8 million but the interior design, we spent well over

13 \$1 million.

14 SIR ROBIN AULD: Over 1 million. Does that include

15 furniture as well?

16 A. Yes.

17 MR MILNE: Where was it that the furniture came from? Was

18 that sourced locally or the US?

19 A. Well, it started when we went on our honeymoon. We went

20 to Israel and Indonesia, Bali, so I always wanted to, in

21 my travels, be able to get furniture from each place and

22 bring it back to the house.

23 So we bought a lot of furniture from Bali and he

24 picked out some patio furniture and some art pieces and

25 we had a container full of stuff that came from there.

1 Actually a friend of his -- of the (inaudible) that owns
2 Parrot Cay, their general manager worked over there, her
3 name is Sheila, and she actually helped us get
4 a container and ship everything and make sure everything
5 was to get here.

6 SIR ROBIN AULD: Can you remember now the order of expense
7 on that furniture that you brought back in the
8 container?

9 A. Not at all, because there was a difference in the money
10 so --

11 SIR ROBIN AULD: That was all part of the million or was on
12 top of the million?

13 A. On top.

14 SIR ROBIN AULD: I have seen a figure somewhere for that or
15 an estimate but I can't remember where.

16 MR MILNE: Certainly the statement, sir. Throughout this
17 period, apart from obviously when you were travelling
18 away with the Premier, you continued to work in
19 television in the USA?

20 A. Yes.

21 Q. Was there ever any discussion of the Premier appearing
22 on television in the USA?

23 A. Yes. We had a contract with Warner Horizon and Lifetime
24 to do a reality show. They wanted to do a reality show
25 of -- a fish out of water type of show, celebrity turned

1 First Lady, and I thought it would be a great idea,
2 I was executive producer, so I thought it would be
3 a great idea to showcase Turks & Caicos. It would be
4 a commercial for us here, so I kind of was thrilled
5 about it.

6 Q. How far did that project get?

7 A. Quite far. The first couple of months before we got
8 a deal, there was so much going on in our life and me
9 coming from television, I felt like we need to get this
10 on film and so he actually paid for the first couple of
11 shootings. I think we paid maybe 100 to 150,000 for
12 the first couple of shoots and we were going to sell
13 that to the production company when they bought
14 the show, and then we landed at Lifetime and then they
15 spent half a million dollars on the pilot alone and
16 the pilot is the first show that you show on television.

17 Q. Was the pilot actually made?

18 A. Yes.

19 Q. It was. But did it ever go beyond pilot?

20 A. No, unfortunately that is when everything started
21 unfolding with the Inquiry and the corruption and
22 the allegations and stuff, and so they were kind of
23 pulled back.

24 Q. Simply -- I am going to take a few points, I hope
25 relatively shortly. I don't wish to lead, sir, but it

1 may be we can cover these in short order.

2 We understand that the Premier, whilst you were
3 married, did help support your daughter who was at
4 college in Europe, is that right?

5 A. Yes, he actually had given financial support to her for
6 school and to her getting a degree, and since we have
7 actually separated, he has pulled back his support and
8 now she has left the University of Buckingham and had to
9 come back to LA with me.

10 Q. We also understood that he supported a lady in Florida
11 who he has told the Commission is the mother of two of
12 his children, a lady called Mildred Rivas. I think you
13 were aware of that at the time?

14 A. Well, I was aware of this a couple of months after
15 I married the Premier of the first child. And then
16 I was looking through paperwork at home and found
17 the credit card and so I questioned that. I did not
18 know about the second child. The second child was born
19 a year after we were married.

20 Q. So his second child with Mildred Rivas was born a year
21 after your marriage?

22 A. Yes.

23 Q. You obviously did become aware at some point that he was
24 paying the credit card for her and helping to support
25 her and presumably the children?

1 A. Yes. When I knew about the first child, there was
2 a hurricane in Florida and her car was messed up and he
3 asked me -- he told me that she wanted him to help her
4 get another car and I said yes because that is your
5 child and that is the mother of your child and she needs
6 to get around; and coming from being a single parent
7 myself, I understand that totally; and then he made
8 aware to me that the condo that she had was in his and
9 her name, and then I asked him to change that and to
10 give that to her so she can have that.

11 Q. Thank you. Sir, I am moving on to a slightly different
12 topic and it may be that is an appropriate point.

13 SIR ROBIN AULD: Yes, I think it is. 2 o'clock.

14 MR MILNE: Thank you very much.

15 (1.00 pm)

16 (The short adjournment)

17 (2.00 pm)

18 SIR ROBIN AULD: Mr Milne.

19 MR MILNE: May it please you, sir. Mrs McCoy Misick, before
20 lunch we were talking about money and the spending of
21 money. Is it right to say that on occasions the Premier
22 had also loaned money to people?

23 A. In the beginning of our marriage we had an agreement
24 that we were not going to loan or give anyone money
25 because we realised that both of us were like a target

1 of people asking, can we have, can you give, that kind
2 of thing, and it was to see how much money we would save
3 within a year of people asking us and us not giving. So
4 we made that agreement up, so we were not supposed to,
5 but as I was here a couple of weeks ago, hearing
6 Michael's testimony that he loaned Piper, Honourable
7 Hanchell \$1 million, I don't know anything about that.
8 Then a couple of other things trickled down and I don't
9 know anything about those loans.

10 Q. Were you aware of your husband borrowing money from
11 other parties?

12 A. No.

13 Q. We have heard about a series of loans, some of them
14 relatively small and by the overall standard fairly
15 modest. \$100,000 here or there. Did he ever mention
16 any of those to you?

17 A. No.

18 Q. Simply while we are on that topic, we have also been
19 told on behalf of the Premier that at the time of your
20 wedding, there were a series of wedding gifts received
21 which were simply cash or wire transfers of money. Were
22 you made aware of those either?

23 A. Not at all, because I had opened up all of the presents,
24 all of the gifts and made notes to send thank-you cards
25 out and -- in my office. So none of that money reached

1 me.

2 Q. Specifically, sir, so it is clear what I am discussing
3 here, Saunders & Co, his former firm, apparently gave
4 him \$50,000 as a wedding gift. Not familiar?

5 A. I knew nothing about that.

6 Q. He has also made a declaration that Minister Hanchell
7 gave him 10,000, Prestigious Properties gave 20,000,
8 Turks & Caicos gave him \$15,000 and the Caicos group
9 a further 15,000. Can we take it that you were not
10 aware of any of those?

11 A. I didn't know that we received any cash. I thought
12 everything was what I opened up the night after we came
13 back from our honeymoon.

14 Q. Those in total just over \$100,000.

15 Dealing if I could -- I will come back to the other
16 loan. In respect of your husband as an individual, you
17 have described him being generous. Did you observe
18 anything else, though, in relation to people's reactions
19 to him? How did you feel he was treated by people that
20 he did business with?

21 A. Respectful. There were several times when we would
22 visit North Caicos where he is from, and people would
23 receive him with open arms and he was very generous. He
24 would even give money to them, you know. I thought that
25 was great.

1 Q. I am sorry, you are saying he would give money to them.

2 First of all, when was it that you recall going to

3 North Caicos with him?

4 A. The first time was during the campaign.

5 Q. Right. That would be the campaign leading up to the

6 2007 election?

7 A. Yes.

8 Q. What did you observe on those occasions?

9 A. We would walk down the streets and kind of people that

10 was outside, we kind of mingled with them, stopped and

11 talked with them. I guess it was his way of kind of

12 introducing me and showing me around North Caicos and

13 you know people would come and ask him, my telephone

14 bill is due, are you going to look out for me this time?

15 And he would, and he would go in his pocket and give

16 them money and I thought that was really great.

17 Q. Did you see him giving people cash on many occasions?

18 A. Yes.

19 Q. What sort of amounts are we talking about? Just a few

20 dollars, hundreds, more?

21 A. Not a lot, a hundred dollar bill here and there.

22 SIR ROBIN AULD: A hundred dollar bill here and there, that

23 sort of thing.

24 MR MILNE: How would he give it to them? Would it be handed

25 out openly?

1 A. Well, not that openly, because there were a lot of other
2 people around, so, you know, if he give a hug, it would
3 be a pat in the hand, and pretty much like how you would
4 tip your bellman or someone at your kerbside services
5 doing your luggage for you.

6 Q. In the lead-up to the election, did you get involved in
7 any way with organising events or contributing to
8 the election campaign?

9 A. I was working at the time so I would fly in on
10 the weekends, and then I knew that he wanted to order
11 some stuff, some T-shirts, some hats, clappers, that
12 kind of stuff and one of my assistants said that they
13 could get it wholesale for him. So he ordered a bunch
14 of stuff from LA and had it sent down.

15 Q. The election was just after Christmas 2007. Were you
16 involved in any way in organising events around that
17 Christmas time? We have heard reference to a carnival
18 for Christmas.

19 A. It was my idea to bring a carnival here, to the country
20 for the kids and I understood it was the first carnival
21 ever. So he gave me a budget in which I could kind of
22 facilitate to the person that I hired to help me, which
23 was a local and it was kind of like my way of kind of
24 introducing myself and doing something for the country,
25 a contribution. And it was a huge success, it was

1 supposed to be an annual thing but the next year after
2 that, I asked him what type of budget could I have for
3 this Christmas, and he said to me that he only did that
4 because of election year and that he was not doing it
5 again. That kind of made me upset because I was saying:
6 you said that it was going to be annual and that I could
7 do this and why would you say that I can do this if now
8 I cannot keep that up.

9 SIR ROBIN AULD: How much was the budget for the carnival
10 that he did give you? Roughly?

11 A. I really can't say, I don't remember.

12 MR MILNE: Do you remember the scale of the carnival? Did
13 it involve many people or was it a small-scale thing in
14 one neighbourhood?

15 A. No, it was nice. It was a Ferris wheel, a slide,
16 jumping beans, music DJ, a dance concert, stuff for
17 small kids, for big kids. It was painting, balloons, it
18 was a hot dogs and cotton candy. It was like a real
19 carnival, you know?

20 Q. Forgive me, I didn't ask where it was held?

21 A. It was held downtown.

22 Q. Downtown Providenciales?

23 A. At the ballpark.

24 Q. Thank you. As far as you knew, where did the budget for
25 that come from? Was that his personal money or was that

1 government money that was funding it?

2 A. It was government money.

3 Q. Did you ask which budget that would be from?

4 A. No. I would not have known to even ask that anyway.

5 SIR ROBIN AULD: How did you know it was government money?

6 A. I was in contact with someone named Barbara for

7 the second year of the carnival, but the person that

8 I hired, which was Llewellyn, that was my partner for

9 the carnival, he handled all of that, which is why I had

10 him do everything, because I didn't know where to go or

11 who to go to. I was just the brainchild behind the idea

12 and cutting the cost and stuff like that.

13 SIR ROBIN AULD: How did that indicate to you that it was

14 government -- who was this person?

15 A. Who was the person?

16 SIR ROBIN AULD: Yes.

17 A. I don't know her title.

18 SIR ROBIN AULD: How did it indicate to you that it was

19 government money? She was in government employ, was

20 she?

21 A. Yes.

22 SIR ROBIN AULD: A woman called Barbara in government

23 employ.

24 A. Barbara was involved in the second carnival. The first

25 carnival, Michael himself told me, let me see what I can

1 do, let me see how much money we have. When he said we,
2 it was not we, he and I, it was we the government.

3 MR MILNE: I am going to come back to government funding in
4 a little while but if we could turn for the moment,
5 please, to a different subject, which is a loan that we
6 have become aware of from a bank in Prague, a bank
7 called the J&T Banka, before the proceedings of the
8 Commission took place; were you familiar with that bank
9 at all?

10 A. A little bit. It is attached to the American Express
11 black card, the Centurion card, and because it was based
12 in Prague and I would use it in the US, sometimes it
13 would be declined, and I would have to call and then
14 they would ask me for the address of where the card went
15 to, and I didn't know any of that, and so I would have
16 to call Michael and have that on record, and that is how
17 I kind of knew.

18 Q. You mentioned in passing at one point that you had been
19 to Prague with him?

20 A. Yes.

21 Q. Had you ever met any bankers there or had any dealings
22 with the bank whilst you were in the city?

23 A. No.

24 Q. That trip, as far as you were concerned, was it purely
25 for holiday purposes, vacation?

1 A. It was vacation, yes.

2 Q. We have been made aware and we have been shown documents

3 which indicate that there came a point when

4 a large-scale loan was taken out of the J&T Banka, which

5 is based in Prague, that loan being for \$6 million.

6 I think you have been shown documents. We have, if it

7 assists, in volume 1, black 1, it is the Michael Misick

8 bundle, this is at page 55 within that bundle.

9 If you turn to page 55 it gives -- it is clearly

10 a detailed technical document relating to a loan. We

11 are probably far more familiar with it now than you

12 would have been, but it does name you on the first page,

13 and it gives your name, your date of birth in Illinois,

14 USA, and indeed a passport number which would be, I take

15 it your US passport?

16 A. Yes.

17 Q. The loan itself is being made by the J&T Banka and it is

18 a loan contract, and if I take this very shortly, if you

19 turn to the top of the following page, page 56, it is

20 a loan up to \$6 million. Which is in the first couple

21 of lines of that document.

22 That money to be paid to a bank account which is in

23 the First Caribbean International Bank. We know now

24 that that is the client account or one of the client

25 accounts of Chal Misick, your former husband's brother.

1 Finally if we turn through to close to the end of
2 the document, page 63, this is where the document is
3 signed, and there are a couple of signatures by
4 officials of the bank on the left-hand side. That is
5 dated as being in Bratislava, which is Slovakia. On
6 the right-hand side in the Turks & Caicos Islands on
7 30th April gives your husband's name and a short
8 signature, but I think we recognise that now as being
9 his regular signature and what appears to be your
10 signature beneath. Do you recognise that?

11 (2.15 pm)

12 A. Yes. I do recognise this but I didn't know this was
13 a -- for a loan or anything at all. I was shown this,
14 but I don't know who these other people are here.
15 Certainly I had -- not been notarised in front of me or
16 anything.

17 I would not believe that we would need a loan for
18 anything because that never came out of his mouth. We
19 never had any money problems. He has always been very,
20 you know, out front about our money situation. I didn't
21 know anything about this.

22 I heard this when I was here a couple of weeks ago,
23 though, and I was surprised of it then.

24 Q. Strictly speaking, reading this document, it makes you
25 jointly liable for \$7.2 million with interest?

1 A. First of all, I would not sign a document of this type
2 of magnitude because I knew that my resources personally
3 could not even cover me getting in this much debt at
4 all.

5 Q. You are slightly ahead of me. I was going to ask would
6 you have signed it, had you known.

7 A. I would not have done that, no.

8 Q. In fact, if we turn over the page, this is at page 64,
9 it seems to be part of the same document because it says
10 "loan contract" at the bottom and it is page 10 of 10.

11 The previous page is 9 of 10. The signature there is
12 not desperately clear, but it is above the name

13 "Stephan Kral". You know of Stephan Kral?

14 A. I do.

15 Q. And you have met him on a number of occasions?

16 A. Yes.

17 Q. Do you recall now having signed a document with him
18 acting as a witness?

19 A. No.

20 Q. Clearly that is a separate page that has been signed
21 there.

22 SIR ROBIN AULD: You are probably going to ask the question
23 I was about to, go ahead.

24 MR MILNE: Doing the best you can, do you remember being
25 asked to sign a document that appeared to be a legal

1 document at any stage?

2 A. No. I do not. But if Michael would have asked me to
3 sign anything, I probably would not have had any problem
4 with signing it, because, my goodness, I have
5 an in-house lawyer that I live with, so I would not
6 have -- and I am his wife, so I would not have thought
7 that he would have tricked me into signing anything.
8 I didn't think that my -- he would need my signature on
9 this because I would not -- I didn't have the money to
10 even do this, and certainly I have not given anyone any
11 of my information to even look into my financial status
12 to be able to apply and to get a loan. I didn't give
13 any records of how much I make or my taxes or any
14 information.

15 Q. Sir, can I make clear for completeness as well,
16 the following document, which is the mortgage over
17 shares which is linked to the loan, did not require
18 Mrs McCoy Misick's signature. It appears nowhere on the
19 document. That is clearly not something that was signed
20 at the same time. That is signed purely by
21 Mr Chal Misick, and although I needn't take
22 the Commission to it right at the minute, there is
23 an extension document in relation to the loan, whereby
24 the period of the loan is extended for an additional
25 year, and again there is no signature from

1 Mrs McCoy Misick on it. It is signed purely by
2 the Premier on his own. I am not going to go trooping
3 through those documents at the moment, but I mention
4 that in case there is any queries raised.

5 A. Wait a minute, does that mean that the loan is more now?

6 MR MILNE: The extension was an extension of the period for
7 repaying it. The document that we have just shown you
8 required repayment within one year. From 2007.
9 The extension extended that period for repayment for
10 an additional year but an ongoing rate of interest.

11 SIR ROBIN AULD: That is the one starting at page 65 in
12 black bundle 1?

13 MR MILNE: 65 in black bundle 1, sir, that is the mortgage.

14 SIR ROBIN AULD: You have mentioned this mortgage to which
15 you say the witness has no concern but to contrast it in
16 some way, you had better just explain what the document
17 at page 65 is.

18 MR MILNE: I will do, sir. If it assists, I am happy for
19 Mrs McCoy Misick to look at this as well. Page 65,
20 which is the following document within the bundle, it is
21 headed "Mortgage Over Shares Between
22 Business Ventures Limited and J&T Banka". I should ask,
23 were you familiar with the name
24 Business Ventures Limited?

25 A. No.

1 Q. This document essentially was an additional document to
2 the loan, as a form of security to the loan, whereby
3 a share in Salt Cay Golf Club held by T Chal Misick was
4 put up as security for the money that was being loaned
5 to your husband. We see T Chal Misick's signature at
6 page 78, at the end of that document?

7 SIR ROBIN AULD: On the face of it, it doesn't affect you at
8 all Mrs McCoy Misick.

9 MR MILNE: There is no requirement on this for, in fairness,
10 either the Premier or Mrs McCoy Misick to sign this,
11 because there is no box for their signature.

12 The document is again purportedly witnessed by
13 Mr Stephan Kral, which is at page 79.

14 In short, you were wholly unaware that this loan
15 existed?

16 A. Unaware.

17 Q. Or that it was necessary, if I follow your evidence
18 correctly?

19 A. I didn't know that we needed a loan at all.

20 Q. Mrs McCoy Misick, it begs the question in a sense,
21 clearly your husband was the Premier, clearly he
22 received a salary from the government; did it ever
23 strike you that the lifestyle that he adopted was rather
24 more lavish than might be reflected by an elected
25 official's salary? Did you think he was earning more

1 than simply his salary for the job?

2 A. Earning more personally?

3 Q. Yes.

4 A. Yes, he shared that with me.

5 Q. Where did you understand his money was coming from?

6 A. Property that he owns, real estate.

7 Q. Did you ever discuss his real estate with him, his real

8 estate holdings?

9 A. Not in depth. He would drive me around the island and

10 say to me, you know: I own that, I own this and I have

11 a per cent in the Alexander hotel, small things and

12 small developments of hotels that he was going to do.

13 Q. Clearly he was a busy man, he had a government to run.

14 Did you ever learn from him who was managing his

15 business affairs if he was not able to do it?

16 A. I knew that Washington had something to do

17 with Prestigious Properties and all of our money

18 dealings had to do with Chal. He would handle

19 everything for us.

20 Q. So was -- as far as Chal was concerned, Chal was

21 the money man, is that right? The money organiser?

22 A. Yes.

23 Q. What did you think Chal did for a living?

24 A. I thought he was an accountant until recently and

25 I heard that he was a lawyer.

1 Q. Did you have many dealings with Chal yourself?

2 A. I would talk to him on the phone, and every entity that

3 I would make up, every company that we were getting

4 ready to do, I would make up the names of the company

5 and I was -- I told Michael, or Michael would tell me to

6 tell Chal, and he would do the paperwork on it.

7 MR MILNE: We will come back to bank accounts in a minute.

8 Whilst we are on the loan, we should perhaps deal with

9 this. We have been told by the Premier that the purpose

10 of the \$6 million loan was at least in part to fund

11 a house in Los Angeles, is that right?

12 A. I don't know if that was what the loan was for because

13 I don't know anything about the loan. I know that we

14 were getting a house built in LA. I know that part,

15 yes.

16 Q. When did you first decide to build a house in LA?

17 A. I really, really never really wanted to build a house in

18 LA. I have a five-bedroom, seven-bathroom house of my

19 own that I love but that was not good enough for him.

20 He wanted a better home, a gated community, a gated home

21 kind of feel, and we were to look for our home together

22 as husband and wife, and so I understood that, and

23 I kind of went along with trying to find this dream

24 house, and we found a piece of property and it was

25 supposed to be, you know, built in key turn kind of

1 situation.

2 Q. Did construction ever begin on it?

3 A. Yes.

4 Q. Roughly when was that, just within a year? Was it

5 shortly after you met, before you were married, after

6 you were married?

7 A. It was a year or so after we married.

8 Q. After you married so it -- around 2007 onwards?

9 A. Yes.

10 Q. How far did the project get?

11 A. They built the second floor.

12 Q. What happened then?

13 A. Well, because at the time we were also building

14 the house here, I had -- went through, and I had never

15 gone through before, of really actually deciding where

16 the electric sockets go. It was a bit much for me

17 dealing with this house down here in the Turks & Caicos,

18 so this house in LA, I wasn't pleased to get a new house

19 because I felt like we weren't going to spend enough

20 time in LA to utilise that house, and my daughter was

21 away at college and I was by myself, and you know,

22 I just felt like we are spending this money for nothing.

23 So every time I went to deal with the house, I kind of

24 got a little depressed, until I went with him and we saw

25 the second floor, and I really just burst into tears

1 because I just did not want to move out of my house.

2 I didn't want the house.

3 Q. So was it decided at that stage you are not going any
4 further with the project?

5 A. Well I think the real estate agent had pulled Michael to
6 the side and said, is she going to be okay? I notice
7 every time that I deal with her she is a little
8 overwhelmed with this. So Michael and I had
9 a discussion that night and I just told him, I said I am
10 not comfortable having an \$8 million home, it is just
11 too much house for me. It is just too big and he said
12 what do you want to do? I said I don't want it, you
13 know.

14 Q. To that point, how much had been paid out for
15 the project?

16 A. 200,000.

17 Q. What happened to that money?

18 A. He let them take it. I mean -- we lost it.

19 Q. Did he ever try to argue for it back or do a deal with
20 them?

21 A. No, actually I wanted to -- something, maybe build us
22 an apartment complex or something that we can rent out
23 and make some money off of instead of just giving them
24 that money, but for him he felt that like it was nothing
25 and he didn't want to deal with the headache and he just

1 kind of, you know, wiped his hands of it.

2 Q. So was the money simply written off and the project
3 abandoned?

4 A. Yes.

5 Q. We touched upon credit cards and forgive me because for
6 completeness, I should have mentioned that
7 the Commission has seen also that you had a Mastercard,
8 a Horizon Mastercard, does that --

9 A. Yes.

10 Q. -- ring any bells. I think that -- so that is at
11 bundle 2. I need not trouble the Commission with
12 turning to the page. We have a number of statements
13 from that. Page 2, page 660 the statements begin.

14 Again, was that a card that was paid for by
15 the Premier?

16 A. Yes.

17 Q. You have mentioned your dealings with Chal. I think
18 reference has already been made to setting up companies.
19 We know that you had My Way Productions, which was your
20 US company for professional purposes. I think you
21 accepted that a second company, deliberately called My
22 Way Productions 2, was set up in Turks & Caicos Islands.
23 When you set it up, what did you anticipate would be
24 the purpose of that company?

25 A. When I first came here, I had a school tour and I asked

1 some of the kids, what would they like to see happen
2 here in Turks & Caicos Islands, and they would say, you
3 know, some basketball camps, some football camps,
4 movies, that sort of thing. We want to see Duway(?)
5 Way. We want to see Shakira or Beyonce. So because
6 I am in Hollywood I have those relationships, I wanted
7 to begin to do concerts for the kids and we brought
8 a welterweight boxing match here, so it was for
9 entertainment.

10 Q. Was that how you saw My Way Productions, that it would
11 promote that sort of concert or sporting event and
12 things of that type?

13 A. And any earnings that I may make here.

14 Q. We know that a bank account was opened. Do you recall
15 who opened that bank account?

16 A. Chal had to open it because he was the only person that
17 I would deal with, with regards money and companies and
18 stuff.

19 Q. As far as formation of the company is concerned, was
20 that also Chal?

21 A. Yes.

22 Q. Did you get the chequebooks or the banking documentation
23 for My Way Productions, or was that left with Chal?

24 A. I never got any cheques but I did get the business
25 certificate.

1 (2.30 pm)

2 Q. What sort of business did you do eventually through

3 My Way Productions? What was it used for as a company?

4 A. I did do -- I brought Sean Paul here for a concert,

5 the Zab Judah fight.

6 Q. Did that generate money for the company?

7 A. No.

8 Q. So it achieved its aim in one sense but not in terms of

9 being a profitable venture for you?

10 A. Right.

11 Q. We have in fact the bank statements which have been

12 kindly provided to us and they can be found -- the My

13 Way Productions 2 Limited, we see those at page 518.

14 That is in bundle 2 of the Michael Misick bundles.

15 A. What page?

16 Q. 518 is the first statement. We can be reasonably

17 confident, sir, we have pretty much a full set of bank

18 statements because the statement at page 518 starts with

19 a zero balance. It is clearly the beginning of a bank

20 account and from this point onwards money is paid in and

21 there are debits and credits throughout. But it would

22 appear that this started, the first deposit ever was

23 made on 3rd August 2006?

24 SIR ROBIN AULD: Which bank is this please?

25 MR MILNE: This is held, I think, with the Belize Bank.

1 I don't know if Mrs McCoy Misick can assist us, did you
2 have any dealings directly with the bank at all in
3 relation to this account, at least in the early stages.

4 A. No.

5 Q. What we see in this account is a series of deposits.

6 Casting your mind back and I realise it is quite a long
7 time since, do you have any recall now as to who was
8 putting money in or indeed why money was being put into
9 this account?

10 A. I thought that this was just my account. I knew that
11 Michael was able to sign on the account and I heard
12 a couple of weeks ago that he had been using
13 the account, but I never received any statements from
14 the account.

15 So I never checked it for anything.

16 Q. The payments in, we have been told, represent a variety
17 of items. The 60,000 that we see on 3rd August, which
18 is at page 518 that you are looking at now, his
19 description of that was that it was fees that you earned
20 from the tourist board, would that be right?

21 A. Yes.

22 Q. Indeed there were two payments, a later one, after
23 the 60,000, a payment of 90,000 but that came
24 the following year in April. In total 150,000.

25 A. Yes.

1 Q. We have seen and accept that there is a contract between
2 yourself and the tourist board. Whilst we are touching
3 on this, whose idea was it that you undertake
4 the contract with the Turks & Caicos tourist board?

5 A. It was Michael's idea to make it legal.

6 Q. Did you have any independent legal advice or anybody
7 representing you or did Michael deal with all of it?

8 A. My first contract with the tourist board was negotiated
9 by my attorney, my entertainment attorney in the States
10 along with Michael, what was the best way to do business
11 here, you know?

12 Q. Sir, I believe the contract has come separately. It may
13 not be in this bundle. I think it came with
14 the statement. My learned friend should have had
15 that --

16 MS MISSICK: We didn't get a contract.

17 MR MILNE: Sir, we will make sure that a copy of that
18 contract is disclosed.

19 SIR ROBIN AULD: Do we need it for the purpose of this
20 witness?

21 MR MILNE: Not for the bank account, sir, no. I think
22 the two parties for this purpose are as one because
23 the evidence of both Mrs McCoy Misick and indeed
24 the Premier's was that she was under contract to the
25 tourist board and that the total of that contract was

1 \$150,000.

2 A. Yes.

3 Q. We see into My Way Productions 2 payments totalling
4 that, being 60,000 and subsequently \$90,000. There is
5 a separate contract, I will come back to in a minute but
6 that is clearly represented by these payments in.

7 There is a further \$100,000 paid into the account.
8 Dealing with the bundle you have in front of you at
9 present, if we turn over to page 521. This is a payment
10 in of \$100,000. The Premier tells us that this was
11 a donation or donations from Caicos Construction
12 Management and Development Limited.

13 A. I don't know who they are.

14 Q. Were you aware he was putting money into the account
15 from political donations?

16 A. No, because for me, I kind of round numbers off so
17 I know what money I am putting in there, so I kind of
18 knew that that money was, you know, a keepsake, just for
19 me to get ready to do business, and I would kind of have
20 a figure in my mind of how much it would balance out to
21 be.

22 Q. If you turn over a number of pages further to 524, this
23 is a payment in the early part of the following year.
24 8th February. There is a payment into the account of
25 just short of \$300,000. \$299,700.

1 A. I could have bought a lot of hats and gloves with that.

2 Q. Do you remember that money coming in?

3 A. No.

4 Q. Have you ever done any work for a company called

5 Kerwin Communications in New York?

6 A. Yes.

7 Q. Were you paid for that work?

8 A. Yes.

9 Q. Into which account was the money paid that you received?

10 A. I can't remember because I didn't take it to the bank

11 myself. Like I said, I would always give it to Michael

12 and Michael would give it to Chal, or I would give it to

13 Chal.

14 Q. Can you remember now how much work you did, was it

15 a lengthy contract, a short-term thing?

16 A. I don't know how long the contract was, it was for

17 the ad campaign and for the art directing. This is what

18 I do, I am a spokesperson, I am a model, so when I first

19 came here and he told me about the campaign which they

20 were doing, I went through books and magazines tearing

21 out advertisements from Jamaica to Bahamas and Bermuda

22 to see what they were doing and to see how we could

23 advertise better than them.

24 Q. So it is implicit in what you are saying, although it

25 has not really been spelt out, the work you were doing

1 through Kerwin was to promote the Turks & Caicos Islands

2 as you understood it?

3 A. Yes, and to be the face that is in the ads for the ad

4 campaign for the Turks & Caicos Islands.

5 Q. When you say the ads was that specifically a US campaign

6 or was that to be on a wider basis?

7 A. Well --

8 Q. We know Kerwin Communications is based in New Jersey but

9 we don't know the extent of its work beyond the USA.

10 Were you expecting to see your picture in, say, European

11 magazines or South American magazines or did you think

12 it would just be North American and the Caribbean?

13 A. You know, I never really took it that far. I was more

14 concerned with the way the campaign looked and to bring

15 the awareness to Turks & Caicos.

16 Q. The evidence that the Premier has given is that this

17 figure, nearly \$300,000, was your earnings from

18 Kerwin Communications. Does that come as a surprise to

19 you?

20 A. Michael negotiated that number. That number was

21 a number that he came up with.

22 SIR ROBIN AULD: As a fee for you?

23 A. Yes.

24 MR MILNE: Can you recall now whose idea it was that you

25 work with Kerwin? Who suggested it.

1 A. It was Michael. I didn't know that they were ready to
2 do a campaign of course until he told me, you know,
3 so ...

4 Q. If we turn over the page again to 525 in the same
5 bundle, there is an additional credit to the bank
6 account of \$300,000. We have had two explanations of
7 this. The Premier's evidence initially was that this
8 was payment from a group called Windsor Investment Group
9 Limited. His brother suggested that he may be wrong
10 about that and it may be a part payment for sale of
11 land. Were you aware of this at all?

12 A. No.

13 Q. Did you get involved in any of his land transactions,
14 purchases or sales?

15 A. No.

16 Q. Over the page again, another 400,000 goes into
17 the account at page 526, again said to be a land
18 transaction involving a company called Solana Land
19 Holdings. Were you aware of this money going in?

20 A. No.

21 Q. Michael seems to have been using this account --

22 A. I see.

23 Q. -- to pass quite large sums of money through. Is there
24 any reason why he would need to use your bank account
25 rather than his own?

1 A. I have no idea. Certainly it was not for land, it was

2 for concerts and business, for entertainment.

3 Q. Over the page again, 527, this in fact he says this is

4 a payment in in the early part of 2007 -- May --

5 \$90,000. He says that that is the remaining part of

6 your Turks & Caicos tourist board contract. I think you

7 agree that that is likely to be right?

8 A. Yes, likely to be right.

9 Q. Over the page again, 529. \$1 million deposited on

10 4th June. \$300,000 deposited on 19th June. Were you

11 aware of either of those?

12 A. No. However, Michael had given me a cheque for

13 \$1 million. Because as we combined everything for him

14 to take care of everything in LA, all of the bills

15 there, he did not take care of My Way Productions so my

16 company was still running. But I was not working, so I

17 was not replenishing back the money into my account.

18 I kept paying out money to my staff and to people and

19 was not working. So he said he would return that money

20 to me and give me my own sort of money so I would not

21 have to keep chasing Chal around. It was awfully hard

22 to get wires to go through in a timely fashion, so

23 I kept saying to him: I need my own money to be able to

24 do things, and while you are out of town I have no way

25 to get anything done; so he gave me a cheque for

1 \$1 million, and we went to Chal's office to open up an
2 account and I don't know what account he put that in,
3 because like I said, Chal would take care of everything
4 so I just assumed that that money was there and in
5 an account when I need it. I would call Chal and have
6 him wire it or make a deposit or credit for me.

7 Q. Up to this point, the balance on the account was --
8 the account My Way Productions was relatively healthy,
9 although it had gone into deficit in May, because of
10 a number of big cheques were drawn on it for \$100,000 at
11 a time or more. So the \$1 million took it from being
12 \$115,000 overdrawn to just short of \$1 million,
13 \$884,000.

14 Were you spending on this account for your business?

15 A. Not at all.

16 Q. So any spending we see on here is not down to you, it
17 would be down to somebody else?

18 A. I would never spend because he said what's mine is mine
19 and what's his is mine. So I was saving my money for my
20 daughter, because I have never gotten a chance to do
21 a piggy bank for her, to leave money for her.

22 Q. So this, although at times it is a relatively active
23 account, it is not your activity we are looking at, it
24 is somebody else's?

25 A. I know there were a couple of times when my mom -- and

1 I take care of my mother -- we would send her money and
2 I don't really know what account he got it out of but it
3 didn't matter to me, if it was this account, or his
4 account or our joint account.

5 Q. The \$1 million that goes in there may prove to be
6 important because it says "credit memo" and that can
7 mean a variety of different things. You think on at
8 least -- on one occasion -- you actually went to Chal's
9 office, handed over a cheque for \$1 million. Chal took
10 it presumably to pay it into a bank account?

11 A. Yes.

12 Q. The Premier's evidence is that this \$1 million, in fact,
13 came from Chal or at least via Chal because this,
14 whether or not you were aware of it, was coming from
15 the loan that had been taken out from J&T Banka.

16 A. I didn't know anything about a loan.

17 (2.45 pm)

18 Q. If in fact this is the same \$1 million, then it is not
19 for the loan because you, as you have told us, were not
20 involved in that and it must be a different \$1 million
21 together?

22 A. If the loan was for \$6 million, where did that
23 \$6 million go?

24 Q. We -- believe me, many days of my life have been spent
25 trying to actually get to the bottom of that, and I am

1 not sure I am there yet.

2 I just want to be clear that on this -- on

3 an occasion there was actually a cheque given to you by

4 the Premier to pay to Chal?

5 A. He gave me a cheque for me so I can open an account and

6 we went to Chal's office and I gave Chal the cheque to

7 open an account for me.

8 Q. That was to open a fresh account, rather than

9 the My Way Production which was already running?

10 A. Yes.

11 Q. Can you say roughly, as precise as you can obviously,

12 when it was that that happened, would it have been 2006,

13 2007?

14 A. 2007.

15 Q. Is there any event that you can link to it that would

16 allow us to be any more precise?

17 A. Yes. I have a company in the States, a hair company,

18 wigs, weaves, ponytails, called Boogie Secrets. It is

19 the guy that has been doing my hair in the last 12 years

20 since I have been in the business, and we were opening

21 up a hair care company called Boogie Secrets and Island

22 Beauty and actually my first model search for the young

23 lady was actually here in Turks & Caicos Islands at

24 Beaches.

25 That was an investment of 150,000 that I asked Chal

1 to send from that \$1 million to Boogie in the States.

2 Q. So the 1 million was paid in and from that money,

3 150,000 went out to Boogie Secrets?

4 A. Yes.

5 SIR ROBIN AULD: This money was for you, for you to have

6 your own account, so that you could have a degree of

7 independence, that was the idea, wasn't it?

8 A. Yes.

9 SIR ROBIN AULD: Why put it into Chal's hands, why not open

10 your own account?

11 A. I have never dealt with a bank here at all and the only

12 thing that I knew to do was to have him handle it, it

13 was much easier and he knew how to do it and he was our

14 money person, so it was much easier for me to have him

15 do it and Michael took me there for him to do it.

16 MR MILNE: The final one of these credits that I would like

17 you to look at, if you would please, you have to go over

18 a number of pages to 532. We have on

19 14th September 2007 a further payment in. It is

20 a curiously precise figure of \$86,098.74 so not a round

21 figure at all. Again, does that mean anything?

22 A. It means nothing to me. I am a round-off girl, kind of

23 girl, I round off my figures. So all of the money I get

24 are 20,000, 60,000 or 90,000, it is never 86,000.98.

25 No.

1 Q. This payment, we are told by the Premier, he says it was
2 paid in by Chal from the loan again, and from that point
3 forward, from September of 2007, in fact it would appear
4 that the account went relatively quiet. It had been
5 overdrawn prior to that. This to some extent paid off
6 the overdraft. It left it slightly in credit.
7 The account for the next few months rolled on with
8 a matter of a few dollars, literally \$100, then
9 overdrawn until page 536 on 15th October 2008, there is
10 a withdrawal of \$50,000.

11 The figure debited is 50,095. We have seen enough
12 of these to suspect that it was 50,000 plus bank
13 charges, but that may well be a wire transfer for which
14 \$95 was charged. Did you ever make a wire transfer out
15 of this account that you can recall?

16 A. Not that I can recall.

17 Q. Or in fact instruct Chal to do that?

18 A. No. Not that much. Like I said, I would take care of
19 my mother and I know there was a time that she was
20 renovating her house and so I was sending money to her
21 but it was never that much in that lump sum at one time.

22 Q. The account, that is essentially the end of the road for
23 that account in that -- I may be giving you the wrong
24 dates because the printing is not very clear on this.
25 That debit, in fact I think may have been slightly

1 earlier in the year, but from there on until the final
2 statement, the account does nothing but accrue a few
3 extra charges and it remains overdrawn to this extent?

4 A. I found out yesterday when I went to the bank, to
5 Belize Bank, that that account is \$50,000 overdrawn.

6 Q. That is our understanding from the statements we have
7 been given.

8 I am afraid I am going to have to take you to some
9 other bank accounts as well. If we go to volume 1 in
10 the Michael Misick bundles. You will find at page 240
11 we have some bank statements. More precisely, it is
12 actually 240.1. We have a series of bank statements
13 which in fact reflect an HSBC account, and this is based
14 in Wiltshire Boulevard, Beverly Hills, clearly near
15 where you live. It is specified to be a joint account
16 between yourself and Michael Misick?

17 A. Yes.

18 Q. Do you recognise this? Is this a bank account that you
19 had dealings with?

20 A. Yes.

21 Q. We are told it was a joint account that you operated for
22 presumably joint expenses in the USA?

23 A. Yes.

24 Q. We have had the opportunity to go through it obviously
25 and we find there are a number of payments in that come

1 in in some cases from Chalmers & Co, in one or two cases
2 from My Way Productions and in one or two cases from
3 Lover Fund. We will come back to Lover Fund in
4 a minute. Were you aware that funds were going into
5 this account from My Way Productions 2 Limited in
6 the Turks & Caicos?

7 A. I can't really recall. I know that Michael would take
8 his time with sending money to pay the bills. He is
9 very leisure at taking care of that type of
10 responsibility here on the island, so I had to
11 understand that here, but in the States after 30 days
12 they don't care who you are, you have to pay your bills.
13 So I did not want to get my credit messed up. I have
14 people who take care of my business as well so I would
15 have to bounce money around to cover certain things and
16 he would repay those things, and I would take them from
17 the joint account back to My Way Production.

18 Q. Did you operate your own personal bank account in the US
19 apart from this?

20 A. No.

21 Q. So this is your US account?

22 A. Yes.

23 Q. We do see on occasions, and I am looking at page 240.8?

24 A. I got it.

25 Q. There are two payments that go out there and they are

1 clearly indicated as debits to North Star Charter LLC.

2 Is that not a hire company, an aviation hire company?

3 A. That is for a jet.

4 Q. These are large payments, \$11,000 in one case, nearly
5 12,000, to North Star Charter. Then I think over 13,000

6 on the next one, both of them for private jets?

7 A. Yes, I have relationships with people in the States and
8 people that we charter planes from, so on my name and
9 reputation, I was able to book a flight and they would
10 send an invoice and after 30 days you would still need
11 to pay that invoice in a timely fashion, and sometimes,
12 you know, we were not able to do so, so I would pay it
13 out of our joint account.

14 Q. If we look at page 251 of the bundle. There is a debit
15 on 21st August 2007. In fact this is a \$30,000 debit
16 and it is clear that that is by way of wire transfer
17 going to Boogie Secrets, which I think was the firm that
18 you mentioned. Is that by way of investment in
19 a company --

20 A. Yes, that was for us to build our website and pictures
21 of the models.

22 Q. But the payment in of \$1 million by Chal, we don't see
23 \$1 million going into this account, so it must be
24 a different account that that went into?

25 A. Yes, it didn't go into the US account.

1 Q. When a new account was being set up with that
2 \$1 million, was that, as far as you understood, under
3 the name of My Way Productions or Lover Fund or any
4 other company?

5 A. I don't really remember even telling him any of that.
6 I think I just said open it up -- open up an account for
7 me. It was not to be a company account. It was
8 supposed to be, you know, my money to be able to finagle
9 and do as I like to sort of have independence from him.

10 Q. Leaving that for one minute. Finally in terms of
11 the TCI Bank accounts, we have been told that you had
12 a joint bank account with your husband at the Turks &
13 Caicos Bank?

14 A. Well, that would only be because when we first got
15 married, he put me on a couple of his accounts.

16 Q. We simply see debits and credits on that account. Was
17 that an account you were aware of in the sense that you
18 used it for your own purposes at all?

19 A. Not really. We did have several different chequebooks
20 at the house, because really I never really dealt with
21 the money or had to pay a bill, so I would not really
22 know which chequebook to use but any time that I asked
23 for money or had to do anything, I would actually ask
24 him or tell him what I had to do, which was only mainly
25 paying our credit at the IGA or something.

1 Q. So small amounts really? Modest amounts?

2 A. Small amount. It depends on what you call small and

3 what I call small.

4 Q. Lover Fund Limited as a company, we understand, was also

5 set up by Chal on your behalf?

6 A. Yes.

7 Q. I think he did acknowledge that he had helped to

8 establish a bank account for it. The company is in your

9 name, you are the sole director in your own name and

10 sole shareholder, I think?

11 A. I am sorry?

12 Q. You are the shareholder of that company, I believe?

13 A. Of Lover Fund?

14 Q. Yes.

15 A. Yes.

16 Q. What was to be the purpose of Lover Fund that was

17 different from My Way Productions?

18 A. Lover Fund, Lover comes from -- I call my daughter

19 Lover, I call her "love thang". So like I said,

20 throughout my career I have actually had -- all

21 the money that I have made had to pay for our lifestyle,

22 so I never got a chance to save a significant amount of

23 money for her. I don't have a will or life insurance

24 policy so I was starting to save money for her and to

25 put it away, sort of to forget about it, so I could tuck

1 it away.

2 Q. With the money going into that account -- so would

3 the money going into that account have been your money

4 or Michael's donations into your account or what?

5 A. It should have been my money but if he would have kindly

6 donated, I kindly would have taken.

7 Q. As far as Lover Fund is concerned, we have a handful of

8 statements. I am afraid we are jumping bundles. This

9 is bundle 3 of Michael Misick's bundles. It is

10 page 1003.

11 We can't say with any confidence -- I think we can

12 say with confidence that we don't have all

13 the statements.

14 The bank account that we have starts really from

15 November 2007. It is clear that the opening balance

16 that we have on these statements is close on a quarter

17 of a million dollars, \$249,980.

18 The statements that we have run through November,

19 December of 2007 into the early part of 2008. It

20 maintains that balance really. It stays around

21 \$200,000/\$227,000 throughout.

22 There are some payments in, 49,946 in November,

23 a further 9,990 in January. 20,000 more in March.

24 But there are debits as well, money drawn out of it.

25 Were you drawing money off this account?

1 (3.00 pm)

2 A. I can't really remember. I know that this came from
3 a contract that I had and I put the money in here. And
4 then I did a play. Every week of that play I performed
5 three nights a week, and I would get 20,000 for that and
6 I will put that in this account as well.

7 Q. Did Michael ever say anything about putting money into
8 it or taking money out?

9 A. No.

10 Q. We know that the company was established in
11 September 2007 and it appears to have been transferred
12 into your name in October, about the end of October 2007
13 on the 26th, which is when you became shareholder and
14 director. Presumably this account had only been
15 running, if this is November 2007, a matter of weeks,
16 possibly only days. Is it possible that a large lump
17 sum was put in to get it started?

18 A. Yes.

19 Q. We see a quarter of a million here. Does that help you
20 remember how much was put?

21 A. It should have been 250.

22 Q. It probably was 250 to start with. Of course we have to
23 make allowance for transfer fees on bank charges. Is it
24 possible that this is effectively the beginning of the
25 activity on this account?

1 A. I don't remember.

2 Q. Thank you. I will leave that for the moment. Did you

3 put a quarter of a million in though?

4 A. I put 250,000.

5 Q. You put it in --

6 A. Not personally but Chal did for me.

7 Q. Chal at Michael's request?

8 A. At our request.

9 Q. Your joint request. Forgive me, there is very little

10 more that I need to deal with. I just want to be sure

11 we touched upon the main subjects and I think that you

12 have covered most of the points that we needed to raise.

13 Have you ever been to the Dominican Republic?

14 A. Yes.

15 Q. Alone or with your husband?

16 A. With my husband.

17 Q. How often did he go there?

18 A. Two or three times.

19 Q. Did you go with him on every occasion?

20 A. No, I understand that he loves the Dominican Republic.

21 SIR ROBIN AULD: Sorry I didn't hear that.

22 A. I understand that he loves it in the Dominican Republic.

23 SIR ROBIN AULD: But on the two or three times that you went

24 with him, went, you went with him?

25 A. I am sorry?

1 SIR ROBIN AULD: On the two or three times you went to the

2 Dominican Republic, you went with him, did you?

3 A. The first time I went with him, it was a day trip.

4 The second time was just last year, I think sometime in

5 July. I met him in the Dominican Republic when all of

6 this started going on, the Inquiry and the allegations

7 of rape. We met there to talk about us per se and he

8 asked me, you know, could I settle in

9 the Dominican Republic, and I said no because I don't

10 like it over there, and he said that he thought he was

11 going to settle there because they were hungry for

12 infrastructure and he could provide that, so I asked him

13 then: are you going to retire here. And he said he was

14 thinking about it.

15 MR MILNE: At any stage did you learn of any commitments he

16 had made there? Did he talk about what he was going to

17 do?

18 A. No, more than him just saying that they were hungry for

19 the infrastructure and that he could aid in that.

20 I know that he had met the president a few times over

21 there and he had befriended him but I didn't know what

22 they were talking about or what the business was about

23 or anything.

24 Q. As far as you are aware, have you ever discussed any

25 overseas accounts with your husband? As he discussed

1 holding money overseas?

2 A. No, well, he would explain to me that the Cayman Islands
3 had, you know, those type of accounts. He would try to
4 explain to me how we didn't pay taxes here in
5 Turks & Caicos, but because I am American I am used to
6 paying taxes, so I was trying to understand how that
7 worked but because I guess my mindset was not there,
8 I never could understand what he was saying, so I was
9 not very comfortable with trying to, I guess, know more
10 about it.

11 Q. Before I sit down, there is just one last document
12 I would like you to assist me with and we have been
13 provided with this today by the Premier. I am sure you
14 will be asked further by him but perhaps it is easier if
15 I ask a couple of questions first. We have been shown
16 a document -- forgive me, I don't think you necessarily
17 have it in front of you -- but it is headed "Premarital
18 Agreement". (Handed)

19 A. Yes, this is our pre-nup.

20 Q. Yes, pre-nuptial agreement for essentially division of
21 property in the unhappy event that the marriage doesn't
22 work out?

23 A. Yes.

24 Q. If you could turn to page -- mine are marked at the
25 bottom with large numbers, page 43. There is

1 a reference in the middle of the page, it is
2 paragraph 7.3.2(a), reference to a residence being
3 constructed in Los Angeles, California at a approximate
4 cost of \$6 million and is to be funded solely by Michael
5 from his sole and separate property.

6 Was that correct at the time? This obviously dates
7 from your wedding in April 2006. Was it correct that
8 you were actually building the house at the time? Or
9 did the house come later?

10 A. Let me first say that because I knew that Michael had so
11 much money, I was not comfortable with not signing
12 a pre-nup, so -- I knew that he would change my
13 lifestyle so I didn't want to get stuck in something
14 that I could not handle, so that is why we had this and
15 he came up with all of these numbers. Now that I am
16 looking back at it and it says \$6 million, I don't know
17 how we came to get a house in LA for \$8 million, but go
18 figure.

19 Q. Going on to page 44, do you have that? At the bottom it
20 says under the heading, "Entrepreneurial Ventures":
21 "The parties acknowledge and agree and Michael
22 represents that Michael has acquired certain real
23 property in Turks & Caicos valued at \$10 million through
24 his ownership of a separate property, Limited Liability
25 Corporation, which holds title to said real property.

1 Said \$10 million consists of beachfront property in

2 Turks & Caicos free and clear."

3 Clearly that is information he would have provided.

4 What did you understand was meant by that? Did you know

5 what property he was talking about?

6 A. No I did not know.

7 Q. This obviously was up to date as at -- or should have

8 been up to date as of April 2006. When you married him,

9 did you think he was only worth \$10 million -- forgive

10 me, I said only \$10 million -- but did you think that

11 reflected his actual wealth.

12 A. No, by this time, by the time we got to this, he had

13 written down that list I said earlier of his assets and

14 he had told me that he was worth either \$80 million or

15 \$180 million. So I was not really sure.

16 Q. Finally on this, over the page, page 45, there is

17 an agreement under paragraph 8 that:

18 "Michael agrees that within 60 days following our

19 marriage, he shall transfer to Lisa-Raye's name as her

20 sole and separate property the condominium located in

21 Turks & Caicos with a fair market value of not less than

22 \$1 million. Michael represents that he presently owns

23 said condominium."

24 Did you actually receive a condominium?

25 A. He told me that we owned a condominium in Alexandra and

1 he bought two in North Caicos. Over there.

2 The penthouse and one below.

3 Q. Were they transferred to you or were they simply held as
4 joint property, though?

5 A. No, they were not transferred to me, and what

6 I understand is that this pre-nup is no good here.

7 Since this separation, Michael has not sent any money to

8 me or had been taking care of me, or my family, my

9 daughter and I have not worked in two years so I am kind

10 of in a pickle myself, so all of this has come as a big

11 surprise to me.

12 MR MILNE: I am afraid that is something that another

13 tribunal on another day will have to resolve. For

14 the moment, sir, those are all the questions that I have

15 for Mrs McCoy Misick.

16 SIR ROBIN AULD: Now, Mr Fitzgerald, shall we make a start.

17 Cross-examination by MR FITZGERALD

18 MR FITZGERALD: Yes. Mrs McCoy Misick, can I make it clear

19 on behalf of the Premier that I am not here to criticise

20 you but just to clarify certain facts. Firstly I just

21 want to ask you a few questions about yourself. You

22 have got some media statements that -- you have been

23 shown them by my learned friend, have you? You have

24 given a number of interviews, you have a website and you

25 have been profiled on a number of occasions, is that

1 right? Sir, do you have these? We have made available

2 a copy.

3 A. Yes, since I have been in the business, my life has been

4 public.

5 Q. Would this be fair to describe you: you are a strong,

6 an independent, a beautiful and a successful woman?

7 A. Well, thank you.

8 Q. Would you accept that as a fair description?

9 A. Sometimes I am weak. Sometimes I am not independent.

10 Certainly these last two years I have not been

11 independent, I have not worked and certainly right now

12 I am not independent, because I am waiting on him to

13 take care of me.

14 Q. Can we just take it through and look at the description

15 of yourself in the Essence magazine if you just -- do

16 you recognise this as an interview with you?

17 A. Yes.

18 Q. I really just want you to look down to the bottom of the

19 first page. Do you see there:

20 "As an actress I have put myself out there" --

21 A. Wait, I don't see where you are.

22 Q. Do you see essence.com:

23 "What evidence did you provide that helped you in

24 your case?"

25 SIR ROBIN AULD: Does this have a date to it? Because there

1 is more than one article here of Essence, isn't there?

2 MR FITZGERALD: I think it is very recent. It is last week.

3 You may be able to help us. This was an interview that

4 was published last week.

5 A. On Monday.

6 Q. On Monday, was it?

7 A. A couple of days ago yes.

8 SIR ROBIN AULD: January 2009.

9 MR FITZGERALD: I am simply trying to establish whether this

10 is a correct description. Do you see the third

11 question, essence.com:

12 "What evidence did you provide that helped you in

13 your case?"

14 A. Yes.

15 Q. Do you see this description by you of yourself:

16 "As an actress I have put myself out there as

17 an independent black woman, a single mom, a go-getter,

18 a hustler who is not afraid to survive."

19 Do you see that?

20 A. Yes.

21 Q. You are happy that that is a fair description by

22 yourself of yourself?

23 A. Mmm hmm.

24 Q. If we go on from there to page 3 of the interview,

25 the third question in:

1 "Was it difficult making the transition from
2 Hollywood to a small island?"
3 Do you see there:
4 "I have a responsibility to Lisa-Raye the actress,
5 the host, the motivating speaker, the mother, the model.
6 That woman is still me."
7 A. Yes.
8 Q. Would you again accept that description of yourself,
9 "the actress, the host, the motivating speaker,
10 the mother, the model", a fair description of you by
11 yourself obviously?
12 A. Yes.
13 Q. Then if we can just go on from there to the website. We
14 have just got a small extract from your website.
15 A. God, I have not been to that in so long.
16 Q. You have been to your official website. If you would
17 care to look at it and see -- we have a small extract
18 from there. It is page 1. It is a separate document.
19 A. It is the same page.
20 Q. It has got a gallery, biography, Lisa-Raye's Foundation.
21 Again, if I can just ask you to look. It refers to the
22 fact that you have been described as the sexiest woman
23 of the year for two years in a row and then it says:
24 "The daughter of a successful businessman and
25 a mother who modelled professionally, Lisa-Raye

1 inherited a head for business and a natural beauty for

2 the camera."

3 Again, the description of yourself as inheriting

4 a head for business, you would say that is fair, is it?

5 A. Yes.

6 Q. Obviously this is your official website?

7 A. Mmm hmm.

8 Q. Just one final matter, if we go from there to the Jet

9 interview. I think page 61. It says:

10 "Lisa-Raye, sexy and savvy."

11 Then under the heading, "Hollywood Hustle", it says:

12 "It has been ten years since the freckled beauty

13 kicked her way into Hollywood as Diamond in the movie

14 Player's Card."

15 Then it refers to your starring role as prime-time

16 mum, Neesie James, in All of Us. Then going over

17 the page to page 63, do you see that:

18 "Brains and beauty. Lisa-Raye has impacted

19 the island with her brilliance and business savvy.

20 Already she is set to open the first and only movie

21 theatre and she was instrumental in launching

22 the country's biggest advertising campaign."

23 Do you see that?

24 A. Yes, I do.

25 Q. "As the First Lady and ex-model, Lisa-Raye is featured

1 in exclusive island ads and billboards."

2 Then one has descriptions by Wayne Garland of the
3 successful nature of the new advertisements.

4 A. I do see that.

5 Q. Is this right, that you were instrumental in launching
6 that advertising campaign, that is the Kerwin Media
7 campaign?

8 A. I was the face of the campaign. So I didn't launch it
9 myself. Kerwin Communications launched it.

10 Q. Yes. You were selected by Kerwin Media and you were
11 described as the -- as featured in the exclusive islands
12 ads and billboards?

13 A. I was not selected by Kerwin. When we hired
14 Kerwin Communications, Michael told him that I was going
15 to be the face.

16 Q. You were a former model, that is right? You still do
17 modelling?

18 A. Yes.

19 Q. And Kerwin Media agreed that you should be the face of
20 the Turks & Caicos in the advertising campaign, is that
21 right?

22 A. Along with Michael, yes.

23 Q. And it was negotiated, I think with your personal
24 assistant, a woman by the name of Gallagher, is that
25 right?

1 A. I am sorry?

2 Q. Your personal assistant, somebody called Gallagher

3 negotiated with Mr Kerwin about this?

4 A. No, she is not to negotiate any of my deals. She is

5 just my assistant.

6 Q. I see. The fee of 300,000 was agreed with you, wasn't

7 it?

8 A. That number figure, and I thought it was 295 --

9 Q. I think because there were some bank charges debited, it

10 was 299, et cetera.

11 A. Okay. Well, that fee came from Michael. My attorney

12 did not negotiate that fee. I probably wouldn't even

13 know how much to charge for such a campaign.

14 Q. Are you really saying that you, a savvy businesswoman,

15 who knows your own way, who is the Hollywood hustler, as

16 you say, had no part in the selection of the fee that

17 you were paid for this advertising campaign?

18 A. I actually did not want to get paid at all. I didn't

19 feel it was right for the First Lady to kind of charge

20 the country. I was concerned about how that would look.

21 Q. You accept that that money was paid into your own

22 My Way Productions account, 2 account?

23 A. Yes.

24 Q. You were aware of that?

25 A. Yes.

1 Q. And that that was -- you did, I think, eight days of

2 photoshoots, is that right?

3 A. Perhaps eight days.

4 Q. The reality is, I am not suggesting for any moment that

5 you were not worth every dollar of it, but you

6 negotiated a perfectly reasonable fee with Kerwin Media

7 of 300,000 and became the Turks & Caicos face?

8 A. No, I said that I never negotiated a fee at all, because

9 I didn't know how much to charge at all. I don't come

10 up with my own figures of how much to charge, just like

11 I don't own my contracts for my television or my movies

12 that I do.

13 Q. You say nobody representing you had anything to do with

14 this?

15 A. No. If in case that something came through my office,

16 my assistant Tina Gallagher who you are speaking of

17 would give me whatever tab bits that came through

18 the fax or return phone call from Kerwin Communications

19 when something like that.

20 The first couple of days of that photoshoot,

21 actually the photographer made me more of the focal

22 point in the ads. So when I saw that I didn't like

23 that. I said: this ad is not about me, it is about

24 Turks & Caicos. I just happened to be in there. So

25 that is why it took an extra couple of days to do more

1 shooting because of that.

2 Q. You participated in this cover story, did you?

3 A. Yes, I did.

4 Q. The one that described you as "instrumental in launching

5 the country's biggest advertising campaign"?

6 A. As I said, that I had tore out tear-sheets from Bahamas

7 and Jamaica, and I wanted to kind of see what they were

8 advertising and see how we could be bigger and better

9 than them.

10 Q. It describes over the page, "the entrepreneur's

11 multifaceted career is blossoming"?

12 A. Where are you?

13 Q. You see that interview, that item about yourself, the

14 cover story, page 4, the second full paragraph, "beyond

15 the island, the entrepreneur's multifaceted career is

16 blossoming", do you see that?

17 A. Are you with the Jet? Are you back at Essence?

18 Q. Yes, with Jet. I am with Jet on page 4. It has page 64

19 at the bottom.

20 A. Okay I have it.

21 Q. "The entrepreneur's multifaceted career is blossoming".

22 Fair description of you? An entrepreneur whose career

23 is blossoming?

24 A. Yes.

25 Q. I want to move on from there to what you said about

1 the plane, the jet, the N165G. I think you have very
2 fairly said that during your courtship, Mr Misick used
3 to charter jet planes and visit you in Los Angeles and
4 indeed bring you back to the islands, is that right?

5 A. Yes.

6 Q. His recollection is it was not as frequent as you said
7 but he accepts that he did travel on jet planes,
8 chartered for you, so are you sure how frequent it was?

9 A. Frequent can be two times, could be four times, six
10 times, it depends if you are talking about a month or
11 a year, six months.

12 Q. So you are not really sure how often it was?

13 A. It was frequent.

14 Q. The Gulf Stream 3, N1653 --

15 SIR ROBIN AULD: If you are going on to the Gulf Stream,

16 Mr Fitzgerald -- you will be a little while on

17 the Gulf Stream, will you?

18 MR FITZGERALD: I may be.

19 SIR ROBIN AULD: We will take a 5/10 minute break now.

20 (3.22 pm)

21 (A short break)

22 (3.33 pm)

23 MR FITZGERALD: Mrs McCoy Misick, in fairness to you,

24 I think I should put to you the contents of an email

25 received last night by my instructing attorney,

1 Akierra Missick, from Mr Kerwin about the circumstances
2 in which the fee was agreed on of US\$300,000. Do you
3 have that before you there?

4 A. Yes.

5 Q. Have you had an opportunity to look at it?

6 A. I am looking but I have not had an opportunity to read
7 it.

8 SIR ROBIN AULD: Just take your time and look at it. This
9 was prepared when?

10 MR FITZGERALD: Last night. Received late last night.

11 A. Yes.

12 Q. Just so you know, the key passage is that:

13 "Being that the project was a campaign to
14 promote tourism, our creative team thought Lisa-Raye
15 would be a natural fit as she is a professional
16 actress/model and First Lady of Turks & Caicos. We were
17 contacted by Tina Gallagher, Lisa-Raye's personal
18 assistant and told that the fee to use Lisa-Raye would
19 be approximately US\$300,000 and Ms McCoy Misick's office
20 prepared an invoice for that amount after she had
21 provided all of the agreed upon services."

22 Does that help you recollect what actually happened?

23 A. Yes.

24 Q. So there was in fact a negotiation of a fee by your
25 office --

1 A. No, there was no negotiation. The number came up from
2 Michael and so Michael instructed us to send whatever
3 invoice to Kerwin so I could get paid.

4 Q. So you accept that your personal assistant,
5 Tina Gallagher, billed them for 300,000 and the money
6 was sent?

7 A. I don't remember sending an invoice but if that is what
8 he is saying. I can't really say that I remember that
9 but I got paid, so certainly he had to have an invoice
10 of some sort.

11 Q. So you accept that you were paid after you had billed
12 for your services?

13 A. I accept that I was paid.

14 Q. After you had billed for your services?

15 A. After I did the ad campaign I accept that I was paid.

16 Q. Do you accept now that it was not in fact your husband
17 but your own office and yourself that determined that
18 that would be the appropriate fee?

19 A. No, not at all because my assistant is an assistant, she
20 is not my lawyer and she had not been assisting me long
21 enough to even come up with the figure, nor myself.

22 I have never done a campaign of this magnitude, so
23 I would not have known how much to charge at all.

24 Q. I want to move on now to the Gulf Jet that we were
25 talking about?

1 A. Wait I want to say one other thing.

2 Q. Yes, of course.

3 A. Don't you find it a little strange that if I have

4 appointed people and an entertainment attorney, that my

5 entertainment attorney would have negotiated this

6 contract, seeing as though he negotiated the first one?

7 Q. You accept that you were paid for your services, is that

8 right?

9 A. Mmm hmm.

10 Q. And you accepted that you were paid a fee invoiced by

11 your assistant?

12 A. I didn't say that.

13 SIR ROBIN AULD: The question has been put twice and

14 answered in the same way twice. She accepts the first

15 part but not the second. You will never meet on that

16 I don't think.

17 MR FITZGERALD: I think I will leave the rest to speeches at

18 the end. But if I can just move on to the question of

19 the jet plane.

20 SIR ROBIN AULD: The Gulf Stream 1, is this?

21 MR FITZGERALD: Gulf Stream 3 N165G. You were asked to look

22 at a particular page to see the offer to purchase. In

23 fact, is this right, that you accept that in fact that

24 plane was leased from Indigo Transportation?

25 A. No, I didn't know that.

1 Q. But now you have heard the evidence that was given

2 and --

3 A. I have heard and I can't really attach it to Indigo but

4 I have heard that it was leased. I heard that. I can't

5 really say I know and remember which company.

6 Q. All right, but you know that when you wanted to do

7 the refit it was not in fact done, is that right?

8 A. I can't really say that either because when it went for

9 inspection, that was supposed to be the time in which

10 all of the changes were supposed to be made but

11 I understand that it took time to order these things and

12 you know nine weeks for the carpet and 12 weeks for this

13 and that. So as things were being ready, they were

14 going to be done.

15 Q. Is this right, that, Captain Mike, on your own account,

16 said that the designs would have to be sent to

17 Jeffrey Watson?

18 A. No. He was supposed to send them to me. He and I had

19 conversations about them. What he did tell me when

20 I kind of bagged him in a corner and said: hey, where

21 are the swatches and things? He said that he gave them

22 to Jeffrey Watson and that Jeffrey said that he was

23 going to give them to me because he was coming on a trip

24 down here.

25 Q. Well, you said in your statement at paragraph 8 that you

1 took it up with Captain Mike, the pilot:
2 "... and he said he would send my designs to
3 Jeffrey Watson. Even this did not alert me to the fact
4 that we were not the owners of the plane".
5 Do you accept that Jeffrey Watson of
6 Indigo Transportation was leasing the plane to
7 the government here?
8 A. No, I knew nothing about that.
9 Q. No, but are you disputing it now, given that
10 Jeffrey Watson was the person who had to approve
11 a refurbishment plan?
12 A. I didn't know that he had to accept anything on my
13 behalf. Captain Mike told me that he sent everything to
14 him and I asked him why and he said: you have to ask
15 Premier and I just didn't deal with it and I --
16 Q. Did you ever say: hey, it is our plane, why can
17 Jeffrey Watson say it can't be refurbished?
18 A. No, I didn't say that to him because that was none of
19 his business and I try not to put people in our business
20 like that.
21 Q. Did you ever say to the Premier: hey, this is our plane,
22 I wanted it refurbished?
23 A. I did. I said why did he send the information to
24 Jeffrey and he said to me that, you know, Jeffrey was
25 coming done here and he was supposed to give it to me.

1 "He didn't give it to you?" and I said no, because he
2 had come on a trip and I hadn't received it.
3 Q. The reality is that this was not your own or
4 the Premier's plane, but a plane being leased, isn't
5 that right?
6 A. I never knew that it was leased at all.
7 Q. And that was why, though you wanted it to be
8 refurbished, it was not refurbished?
9 A. No, actually, the ideas for the tv to go into the front
10 and the back was the Premier's idea and to close up
11 the galley was his idea as well. The carpet, the crest,
12 was my idea and some of the carpentry came from
13 Captain Mike pointing it out, letting us know that there
14 was a crack here and that should be replaced and stuff
15 like that.
16 Q. I am just going to try one last time. Do you accept
17 that Mr Jeffrey Watson of Indigo Transportation in fact
18 had a veto on whether it would be refurbished because it
19 was not yours to do with what you wanted?
20 A. No, I didn't know that we were leasing. I knew that
21 Jeffrey was a friend of Michael and a close friend. So
22 if he was to bring it down, I didn't question that, but
23 I just questioned why he didn't give it to me, why I had
24 not had it.
25 Q. Again, you have dealt with the question of lifestyle in

1 your statement. You have given evidence about it, is

2 that right?

3 A. Yes.

4 Q. The question of his wealth, did that arise in

5 the context of the discussion of a pre-nup agreement?

6 A. It came before that.

7 Q. Is this right, that what the Premier said to you

8 constantly was, "we ain't broke" and that was about it?

9 A. He said, "we ain't broke, we rich". That was, you know,

10 our little slogan around the house.

11 Q. Well, he says he certainly recalls saying "we ain't

12 broke". In other words, we can afford this. But no

13 more than -- he never gave you a figure, did he?

14 A. In the beginning, when he wrote down his assets, it

15 was -- he filled the envelope up with stuff and like

16 I said it was not familiar to me because I had just got

17 to Turks & Caicos, so I didn't know. But I recall him

18 saying a figure with an 8 in it. So I didn't know if it

19 was \$80 million or \$180 million.

20 Q. Or 8 or 18?

21 A. Well, because 8 isn't a lot of money. That is rich on

22 someone else's -- but for me, for the way that he was

23 acting and telling me, that I knew that it wasn't 8.

24 Q. You are pretty imprecise, are you not, about the figure?

25 A. I said that it is either 80 million or 180 million.

1 Q. 100 million is quite a difference, isn't it?

2 A. Mmm hmm.

3 Q. And you just can't remember which of it it is?

4 A. Right.

5 Q. You see, I have to suggest that he never put a figure on

6 his wealth to you. Is that right, that he never did put

7 a figure on it and that is why you can't recall

8 a figure?

9 A. Are you saying that you didn't hear what I just said,

10 you want me to repeat it or I don't understand?

11 Q. I can hear. You see, I have to put to you what

12 the Premier says, otherwise we would have him here

13 arguing with you. So I just have to put it to you in

14 fairness to you -- right -- and in fairness to him. So

15 you don't accept that he never put a figure on it?

16 A. He wrote down his assets on an envelope for me and he

17 was letting me know what he owned and how much he was

18 worth and he said to me it was 80 million or

19 180 million, as I recall.

20 Q. Just help us about this pre-nup.

21 A. Okay.

22 Q. You said this afternoon that you were not comfortable

23 with not signing a pre-nup?

24 A. Say that again.

25 Q. You said -- these are your words: "I was not comfortable

1 with not signing a pre-nup."

2 A. Yes.

3 Q. So in other words it was your idea that there should be
4 a pre-nup?

5 A. Yes.

6 Q. You see, as I recall this morning you were saying it was
7 the Premier's idea that he insisted on there being
8 a pre-nup?

9 A. No. We were in the ocean and he said to me: "I just
10 left my Attorney's Office" and I said "yes" and he said,
11 "he wants you to sign a pre-nup" and I said "I have no
12 problem with that, I don't even know how much you're
13 worth". And he said to me, "but I don't want you to"
14 and I kind of felt half and half. I kind of felt like
15 wow, like, really, and the other half was like why, that
16 must mean that I don't have any rights here?

17 I came back to the States and I asked around and
18 I said maybe perhaps I should have one because he is
19 about to change my lifestyle and I don't want to get
20 stuck with all of what I am going through now.

21 Q. Who was it who drafted the pre-nup, your lawyer?

22 A. Yes.

23 Q. So you were not comfortable unless there was a pre-nup,
24 that is right?

25 A. Yes.

1 Q. Your lawyer drafted the pre-nup?

2 A. Mmm hmm.

3 Q. And in the pre-nup it made provision that a house should

4 be built for you in Los Angeles at a cost of some

5 \$6 million, is that right?

6 A. I believe I saw that 6 million, yes.

7 Q. Presumably that was put in by your lawyer?

8 A. Michael had asked me to kind of look for attorneys in LA

9 because I had never had a pre-nup before and never had

10 to deal with that type of attorney. So I asked a couple

11 of my celebrity friends in Hollywood who was a good

12 attorney and I went to him and he kind of -- I didn't

13 know what the first thing to ask for, so he kind of made

14 up things and he spoke with Michael and that is how we

15 came to the conclusion of having the pre-nup.

16 Q. Is this right, that when the house was eventually -- you

17 came to buy it, or you came near to buying it, when that

18 happened the money that was raised from the J&T Banka

19 was to pay for it?

20 A. I didn't know about a loan at all, so I didn't know, you

21 know, how he was going to pay for it. I left all of the

22 money stuff up to him.

23 Q. It is exactly the same sum, isn't it, 6 million and

24 6 million being borrowed for the house?

25 A. Mmm hmm.

1 Q. You signed the document?

2 A. The house was 8 million.

3 Q. No, I think the 8 million was not -- 8 million was not
4 the figure referred to in relation to the LA house. It
5 was 6 million.

6 SIR ROBIN AULD: It was referred to earlier today I thought.
7 Maybe I am wrong.

8 MR FITZGERALD: In the pre-nup --

9 SIR ROBIN AULD: 6 million in the pre-nup but I thought
10 I heard --

11 MR FITZGERALD: The figure is 8 million in relation to the
12 house here. Certainly the pre-nup talks about
13 6 million, all right?

14 A. I think that there is a contract on the house and how
15 much the house was in LA as well.

16 MR PRUDHOE: Sir, an annexure to the witness statement of
17 Mrs McCoy Misick does have in fact the price. It is
18 the second enclosure to her witness statement. If one
19 looks to the right-hand side, it is numbered page 2 in
20 the top right-hand corner and about half way down,
21 purchase price 8 million.

22 SIR ROBIN AULD: I thought I had seen it somewhere.

23 (3.50 pm)

24 MR FITZGERALD: Are you saying the loan had nothing to do
25 with this?

1 A. I never knew about a loan at all.

2 Q. So you signed a document, a loan document, without

3 reading it?

4 A. I thought it was something to do with the house and

5 I knew that I wanted my name on the house but I didn't

6 know it was about a loan.

7 Q. You see, you describe yourself as a savvy businesswoman

8 who can stand up for herself and you are really inviting

9 the Commission to accept that you didn't read what you

10 signed?

11 A. I am a savvy businesswoman in my business, in my world,

12 in my lifestyle, in which I branded Lisa-Raye in

13 entertainment. I know nothing about real estate and so,

14 since I had an in-house lawyer and he was my husband,

15 there has to be a foundation of trust there, so,

16 absolutely, I trusted that.

17 Q. You didn't look at what it said just before that about

18 repayments or anything like that, nothing at all?

19 A. No.

20 Q. You just signed it?

21 A. Mmm hmm.

22 Q. I have to put it to you you knew full well what you were

23 signing when you signed that document?

24 A. That is your opinion.

25 Q. And you don't accept it?

1 A. Not at all.

2 Q. Now, at paragraph 13 you refer to the fact that whenever
3 you wanted money, the Premier would arrange for his
4 brother Chal Misick to wire it to you, is that right?

5 A. I am not sure if every time, you know, that he got it
6 from Chal.

7 Q. Right. Would you accept that some of it came from
8 the Belize Bank?

9 A. I didn't ask. He handled all the money so I didn't
10 know.

11 Q. But money came into your HSBC account in LA at your
12 request from a number of sources, is that right?

13 A. Well, we had already established through my business
14 partners how much the bills were in LA. So Michael knew
15 that and they knew that they had to be paid monthly, so
16 would send money them -- send money.

17 Q. I am just putting to you that it was not just Chal,
18 transfers were also made from the Belize Bank here,
19 transfers were made from My Way Productions 2 Limited to
20 your --

21 A. I don't know what account they would come from or what
22 bank actually they would come from. I just know that
23 Brenda, when she needed business -- who is my business
24 accountant -- if she needed money for the bills to be
25 paid, she would either e-mail Michael or tell me and

1 I would tell Michael and Michael would make
2 the arrangements.

3 Q. So it is not just from Chal's account, it is from
4 a number of accounts, you accept that, do you?

5 A. I am sure. I am sure whatever accounts.

6 Q. In paragraph 14 you talk about your Black Amex card. It
7 is right that you and he shared an Amex account, is that
8 right?

9 A. Yes.

10 Q. He paid the bills on that or he made sure they were
11 paid?

12 A. Yes.

13 Q. And you had nothing to do with the payment of those
14 bills, is that right?

15 A. No.

16 Q. So you can't help us as to how they were paid at all?

17 A. Sometime he would say to me, you know, the bill was
18 a little high.

19 Q. I am not disputing that he may well have said that. But
20 the point is that it was his responsibility to settle
21 those bills and he did?

22 A. Mmm hmm.

23 Q. At paragraph 16 you refer to the cast of your show being
24 flown to TCI for the best ever wrap party. That is
25 the wrap up party is it, at the --

1 A. The best damn wrap party.

2 Q. Now, is this right, that that was something which

3 actually did a great deal to promote the profile of the

4 TCI, your whole sitcom cast turning up in the TCI, is

5 that right?

6 A. Yes.

7 Q. They stayed I think in the Alexandra, is that right?

8 A. There and I think some place else too.

9 Q. As far as you are concerned, that was a good idea with

10 good benefits to the islands, is that right?

11 A. I don't think that I really knew. It was Michael who

12 did that.

13 SIR ROBIN AULD: You have no idea what it cost roughly

14 overall?

15 A. Not at all but I knew that he had ownership in the

16 Alexandra, so I knew he can get some sort of discount or

17 deal. It would be better putting them there as opposed

18 to putting them some place else.

19 MR FITZGERALD: You dealt with the staff at your house here

20 and there is no dispute about the fact that there were

21 staff and that they were paid for by the government

22 here?

23 A. In the beginning he was paying them. When we moved to

24 the -- our own White House, then I knew that he said

25 that he was going to get supplement from the government.

1 Q. You accept his bodyguards had to be paid by
2 the government, didn't they?

3 A. Probably.

4 Q. As to the house here, you weren't aware of the financing
5 of that house, is that right?

6 A. No.

7 Q. You say at paragraph 22 that he was always generous,
8 generous to you and to your daughter?

9 A. Mmm hmm.

10 Q. And indeed to his former partner Mildred Rivas?

11 A. I don't know how generous he was to her. I had found
12 a couple of things around the house that led me to ask
13 questions about child support and then I found out about
14 the second child and obviously knowing that a second
15 child was even around and came in the midst of our
16 marriage, you can imagine it was quite upsetting.

17 Q. You described him as someone who was a soft touch both
18 to lend to other people and to give to other people.
19 That was a good characterisation of his character, is
20 that right?

21 A. That was something that he also asked me to help him
22 change. He didn't like that. He felt that people took
23 advantage of him. So that is why we came up with the
24 agreement of not lending or loaning anyone any money.

25 Q. You went round with him at election times and other

1 times to his constituency in North Caicos East and he
2 got a warm reception from his constituency, is that
3 right?

4 A. A couple of people that we walked down the street and
5 saw in their houses and we walk up to them and talk to
6 them and mingle.

7 Q. You described the fact that he gave out money to help
8 people pay for things, funerals, maybe?

9 A. Mmm hmm.

10 Q. For -- I think you gave one example --

11 A. Phone bills, cellphones.

12 Q. He did that naturally and he helped out the ordinary
13 people whom he represented, is that right?

14 A. Mmm hmm.

15 Q. Now, you dealt --

16 A. I can't really say that he -- I don't know what
17 political party they belonged to. Knowing how it is
18 here now, I can safely say they were probably PNP.

19 Q. He was not saying: "are you PNP?" before he was helping
20 out, was he? You never heard him say, "I am not going
21 to give you anything because you are not PNP"?

22 A. I assumed he knew these people because of the welcome
23 that they gave him.

24 Q. And it was a warm welcome?

25 A. Yes.

1 Q. Now, the carnival you have dealt with at paragraph 31,
2 is this right, that there was a successful carnival in
3 Christmas of 2006? You applied a part in organising
4 that?

5 A. Yes.

6 Q. In fact what he told you in relation to the 2007
7 carnival was that there was no budget for it?

8 A. He told me to get together a small budget, that he was
9 not doing anything as big as the carnival and I said,
10 "Why not, you said that this was going to be an annual
11 thing? You are making me out to look like a liar. This
12 is for the kids". And he said, "I only did that because
13 that was election year". And so that kind of was a slap
14 in my face because of course now I can't produce
15 the carnival and which I said I would do every year.

16 Q. I have to put it to you that he never said that, he
17 simply said that there is no budget for it this year.

18 A. That is not true because that was the time when I was
19 dealing with Barbara and I had faxed over paperwork to
20 her, letting her know on a smaller scale the type of
21 carnival or family fun day that I was trying to have.

22 Q. You described how you then acquired some toys for
23 the children in the area, is that right?

24 A. I flew to Miami to get some.

25 Q. No doubt he paid for those toys?

1 A. No, I paid for that myself.

2 Q. I see, from which account was that?

3 A. I had cash.

4 Q. I see, which account did you draw it from HSBC LA?

5 A. I can't really remember. I keep cash in my house, in my

6 safe, so....

7 Q. I have asked you already about the house in Los Angeles.

8 The only thing I would like to make clear with you,

9 Mrs McCoy Misick, is this, you accept that there was

10 a genuine intention to acquire a property in LA as

11 a joint matrimonial home there?

12 A. Say that again.

13 Q. There was a genuine plan both of you had to acquire

14 a property in Los Angeles for your use there and for him

15 when he visited you, is that right?

16 A. I had actually forgot about the house until I saw it in

17 the pre-nup and until he said he wanted a bigger, better

18 house than the house that I have.

19 Q. That plan continued through 2006 until 2007, that you

20 would purchase a home in LA, a new home in LA?

21 A. I don't know the timeline but --

22 Q. Well, it carried on into the next year when you got cold

23 feet, if I can put it like that.

24 A. I don't know the timeline.

25 (4.00 pm)

1 Q. Can you recall when the money, the 200,000 was

2 forfeited? You can look at your own documents if you

3 like.

4 A. I think we have a document.

5 Q. Yes, I think that will perhaps trigger your memory that

6 it was 2007. Perhaps you can accept it from me that

7 that was the date.

8 MR PRUDHOE: The date is accepted.

9 SIR ROBIN AULD: What precise date is it? If the date is

10 important.

11 MR FITZGERALD: It is cancellation instructions May 8, 2007.

12 A. Okay.

13 Q. I have already asked you questions about the loan

14 documents. I am not going to ask you any more about

15 those. As to the question of the re-negotiation, that

16 is to say getting the date of the repayment of the loan

17 postponed, you had nothing to do with that?

18 A. No.

19 Q. Is this right, that by then it was 18th April, 2008? So

20 by that date your marriage was beginning to break down

21 in April 2008? I think you moved out finally to LA in

22 May, is that right?

23 A. I am not sure of the date but it was around the rape

24 allegations and investigation. It was something that of

25 course we had to deal with but I was still there, you

1 know.

2 Q. But --

3 A. But the house came way before that.

4 Q. I accept that. This is a question of the re-negotiation

5 of the loan.

6 A. I don't know anything about that.

7 Q. You had nothing to do with it and one of the reasons why

8 you had nothing to do with it, I am putting to you, is

9 because in fact your marriage was beginning to break

10 down by then?

11 A. I don't know the timeline on that. But I do remember

12 when the marriage began to break down, the dealings of

13 the house had happened way before that. So in other

14 words I got cold feet before that.

15 Q. The question of the TCI -- I am going to deal with the

16 accounts, if I may, at the end -- Tourist Board, you

17 deal with at paragraph 58 of your statement. Now, is

18 this right, you accept that you were paid 150,000 by

19 the TCI Tourist Board for your promotional appearances?

20 A. Yes.

21 Q. Again, that was because you did a number of promotional

22 appearances in New York, in Miami, in LA and Atlanta?

23 A. Mmm hmm.

24 Q. So it is not a case of you being paid for nothing. You

25 were being paid for giving a series of promotional

1 appearances throughout the US?

2 A. Yes.

3 Q. That money was paid into the My Way Productions 2
4 Limited's bank account, is that right?

5 A. As I see it in the evidence, yes.

6 Q. I have already asked you about the contract with
7 Kerwin Media. I don't want to labour that with you. We
8 disagree, if I can put it that way, on that. But just
9 will you assist on this --

10 A. If I can.

11 Q. You accept that \$300,000, give or take a few cents, was
12 paid into your joint My Way Productions 2 Limited
13 account?

14 A. I don't know which account right off the top of my head
15 it went into, but I accept I got paid.

16 Q. We can look at it at volume 2, page 524 if you want to.
17 Do you see there a credit for \$299,700?

18 A. Yes.

19 Q. So that is being paid in to your joint My Way
20 Productions 2 Limited account by Kerwin Media?

21 A. Yes.

22 Q. That is --

23 A. I don't know if -- yes, it had to be a cheque by
24 Kerwin Communications.

25 Q. I can show you the cheque if necessary, but will you

1 accept it from me that that was the sum you received?

2 A. Sure.

3 Q. You disagree as to whether you negotiated that sum

4 yourself and you disagree as to whether Tina Gallagher

5 negotiated on your behalf, but do you accept this: that

6 there was a photoshoot, I think of six to eight days,

7 for which you were being paid?

8 A. Yes.

9 Q. And is this right, that your face became the face of

10 the TCI advertising campaign as a result of that?

11 A. Yes.

12 Q. And indeed was used worldwide? It was used in America

13 and Europe and everywhere as a result?

14 A. I am not sure about Europe, I do know about the States.

15 Q. Well, your world -- you gave worldwide rights in the use

16 of that --

17 A. As I said I didn't negotiate it so I don't know what the

18 terms of the contract was. Michael did that.

19 Q. Do you accept that that is a perfectly reasonable sum to

20 be paid for a model such as yourself, with a history as

21 an actress for providing those services?

22 A. I have been told since then that it should have been

23 more but for me I didn't want to charge the country,

24 I didn't feel it was right so that is why Michael

25 negotiated that number and came up with it.

1 Q. If anything, Kerwin Media got a good deal and
2 the government of this country got a good deal as
3 a result?

4 A. I think we all benefited from it. I think it was very
5 successful.

6 Q. We have seen the coverage of where the head of the
7 tourist board said that it had been a highly successful
8 campaign, that it had increased tourism to this
9 jurisdiction?

10 A. 41 per cent.

11 Q. Now, I think you were asked some questions about wedding
12 gifts, cash payments to your husband to help pay for
13 the wedding; you would not quarrel with those, would
14 you? You would not say is there anything wrong with
15 that?

16 A. That was my first time hearing that they were donations
17 to pay for the wedding. I didn't know that either.

18 Q. But would you accept it was a very expensive wedding?

19 A. Yes.

20 Q. I think we are talking hundreds of thousands of dollars?

21 A. Yes.

22 Q. Now, you were also asked some questions about
23 the Dominican Republic. It is accepted of course that
24 the Premier likes the Dominican Republic, no doubt about
25 that, and that he goes there quite frequently?

1 A. Yes, I have heard.

2 Q. But he never said, if I can put this to you, that he was
3 intent on moving there?

4 A. What he said is that he wanted to retire there.

5 Q. I see, so retire there at the end of his life?

6 A. Well, actually we had had a conversation about a year
7 and a half ago. He told me that he was ready to retire.
8 He was tired of being scrutinised. I asked him at that
9 point, I said: do we have enough money for you to
10 retire; and he said yes; and I said: for us to live
11 the way that we are living now; and he said yes. So for
12 me that was like, mm, then you must really have a lot of
13 money.

14 Q. I have to respectfully put that he never said that he
15 was planning --

16 A. I am sure that you could say that because you weren't
17 there.

18 SIR ROBIN AULD: Do not talk across each other because it
19 makes it very difficult for the court reporters. Start
20 again, Mr Fitzgerald.

21 MR FITZGERALD: I have to suggest to you that he never said
22 that he was intending to move there to settle
23 permanently.

24 A. I don't see how you could say that when you were not
25 there, but you are entitled to your opinion. I don't

1 like the DR, so it was never my idea to even meet there

2 or nor have a conversation there or anything.

3 MR FITZGERALD: There is just one final topic I want to

4 cover with you, Mrs McCoy Misick. That is the topic of

5 the bank accounts.

6 A. Okay.

7 Q. It is right that you had an account with HSBC in

8 Los Angeles, is that right?

9 A. Our joint account was with HSBC.

10 Q. You also had, of course, a joint account with My Way

11 Productions 2 Limited?

12 A. Yes.

13 Q. That was set up for yourself, that account?

14 A. That account was set up by Chal for myself and Michael

15 was a signatory on there.

16 Q. So you were both co-signatories of it?

17 A. Yes.

18 Q. You were able to draw on funds in the My Way Productions

19 2 account and to have them transferred to HSBC in

20 Los Angeles?

21 A. Mmm hmm.

22 Q. Therefore the money that went in there was money that

23 you were able to draw on in your HSBC account in

24 Los Angeles?

25 A. Say that again.

1 Q. The money that went into My Way Productions 2 Limited

2 account was money that you were able to draw on, you

3 could have it transferred across to the HSBC in LA?

4 A. Yes, I could, but I never would, because I opened that

5 account because I wanted it to be here and that money to

6 be here.

7 Q. Is this right that you would say to Chal or to your

8 husband: I need funds in my account in LA, in the HSBC

9 in LA, you would say that?

10 A. I would reconfirm with Chal if he sent money after

11 Michael had asked him to, because it would take wires

12 a long time to get there and I am a timely person,

13 I want to pay my bills on time, so I would always have

14 to rob Peter to pay Paul, or promise people it is going

15 to be paid and wait, wait, wait one minute, kind of

16 thing.

17 Q. Lo and behold, that money was transferred when you asked

18 for it into your accounts in -- your account with HSBC

19 in LA. The money came, didn't it, when you asked for

20 it?

21 A. I didn't know where the money came from.

22 Q. Exactly. So you are not saying that you know it didn't

23 come from My Way Productions 2. You are just saying it

24 came and all I was concerned about was that I had

25 the money?

1 A. That the bills were paid.

2 Q. Exactly.

3 So just to get this straight, you are not denying
4 that money paid into My Way Productions 2 was
5 transferred for your use to the HSBC account in LA?

6 A. That was not our agreement. Our agreement was that
7 Michael said that what is mine is mine and what is his
8 is mine, so he was to take care of all of the bills and
9 the whole lifestyle and whatever. So he was funding
10 that while I was still funding my other businesses in
11 My Way Productions 1.

12 Q. Of course you were not aware that there was other money
13 being paid into that account, were you?

14 A. No.

15 Q. But that was also available to be drawn on and to be
16 transferred to the HSBC in LA?

17 A. If I didn't know that it was in there, I would not know
18 to even transfer anything.

19 Q. So you are not denying it --

20 SIR ROBIN AULD: This is not a pleading in a civil action,
21 not admitting and not denying; either she knows or she
22 does not. If she does not know, she can't contribute on
23 this.

24 MR FITZGERALD: I apologise if I have over-simplified it.
25 What you are really saying is you don't know where it

1 came from. You just know that money was paid into your

2 HSBC account in LA.

3 A. Yes. It didn't come to me. It came through to my

4 business accountant.

5 Q. Finally, the Lover Fund that we have heard about, is

6 this right, that a sum was paid in there that was earned

7 by you on a poker promotion, is that right?

8 A. Yes.

9 Q. Do you recall that?

10 A. Mmm hmm.

11 Q. What was the sum?

12 A. 250. 250,000.

13 Q. So the mystery that Mr Milne was grappling with of where

14 did this 250,000 come from, is not such a mystery, is

15 it?

16 A. No.

17 Q. It came from your promotion of a poker tournament?

18 A. Mmm hmm.

19 Q. Which is exactly what the Premier said?

20 A. Mmm hmm.

21 Q. And you agree with that?

22 A. Mmm hmm.

23 Q. The Lover Fund account was named after your daughter --

24 named for your daughter, is that right?

25 A. Yes.

1 MR FITZGERALD: I have no further questions, sir. Thank you

2 very much.

3 SIR ROBIN AULD: Thank you, Mr Fitzgerald. Mr Prudhoe, how

4 long do you think you might be.

5 MR PRUDHOE: Less than 30 minutes.

6 (4.15 pm)

7 (A short break)

8 (4.25 pm)

9 Cross-examination by MR PRUDHOE

10 SIR ROBIN AULD: Yes, Mr Prudhoe, you can start.

11 MR PRUDHOE: Thank you.

12 Mrs McCoy Misick, do you attend today because of

13 a summons issued by the Commission?

14 A. Yes.

15 Q. You were present during the hearing of your husband's

16 evidence, so that you are aware the Commission have seen

17 and heard evidence as to your spending habits --

18 A. Yes.

19 Q. -- during the marriage?

20 A. Yes.

21 Q. How would you describe your spending habits prior to the

22 marriage, please?

23 A. I make on my show \$35,000 a week. So I would think that

24 that is relatively successful. I have a house, five

25 bedrooms, 7 bathrooms, a house that is mine, I have

1 three cars that are paid for --

2 SIR ROBIN AULD: You don't have to justify it, he just wants

3 to know --

4 A. I am successful in my own --

5 MR PRUDHOE: I am talking about the spending, what about

6 shopping habits, for instance?

7 A. I can't wear things on the press-line more than once, so

8 I do designer stuff.

9 Q. If I could just ask you about that. So that people

10 understand it, are you suggesting that, as a consequence

11 of what you do for a living, there is a limit as to how

12 often you can use particular pieces of clothes?

13 A. Yes.

14 SIR ROBIN AULD: Given your earnings you are a pretty high

15 spender, is that really what you are saying?

16 A. It depends how much you call high.

17 SIR ROBIN AULD: Everything is relative but you worked hard,

18 you earned good money and you probably spent more than

19 others who didn't earn as well as you did?

20 A. Yes.

21 MR PRUDHOE: Before the Premier became your husband, to what

22 extent was he aware of your spending habits?

23 A. He had visited my house before and he had seen what

24 I have and he was quite taken. My house was actually

25 more modern than the house that we were living in here

1 and he felt that I was successful as well.

2 Q. Mr Milne elegantly described him as being generous and

3 open handed. Was that during the time when you had

4 become romantically involved with your now husband?

5 A. Yes.

6 Q. If I can be a bit more blunt, were you by then already

7 spending his money?

8 A. Yes.

9 Q. From the evidence that you have given to Mr Fitzgerald

10 is it the case that whatever he is spending his money on

11 or whomever he is spending his money on now does not

12 include you?

13 A. Does not include me.

14 Q. Are you able to give approximately the date of the last

15 occasion upon which he provided financial assistance to

16 you?

17 A. August of 2008.

18 Q. When you were still spending his money or when you were

19 still spending money with your husband, whose money did

20 you believe you were spending?

21 A. His.

22 Q. You described your first trip to the Turks & Caicos

23 Islands as having been from Jamaica?

24 A. Yes.

25 Q. What means of transport did you take to make that trip?

1 A. He came and picked me up in a private plane, me and

2 a couple of my friends, and we came back here.

3 Q. You also described in your evidence that for a period of

4 time during your marriage you made heavy use of

5 chartered private aircrafts?

6 A. Yes.

7 Q. Concentrating on the cost of doing that, would you ever

8 consult your husband about doing that?

9 A. When it became known how much the flights were, I had

10 told him that I didn't mind going commercial because

11 I kind of liked going commercial sometimes and I

12 understood why we had to do it sometimes because he

13 would want to see me on the weekend; he didn't feel that

14 it was proper for me to be away for so long, so he

15 wanted to make it convenient for me to be able to come

16 back --

17 SIR ROBIN AULD: You said when it became known that it was

18 costing so much, do you mean when you first discovered

19 or when it became publicly known?

20 A. When I first discovered how much we were actually

21 spending on private jets for the weekend.

22 MR PRUDHOE: I may have missed it but did you deal with the

23 question as to whether or not you sought his permission

24 in advance?

25 A. Always. Except one time --

1 Q. Did that exception to asking permission in advance
2 relate to an allegation made against him that has no
3 bearing on this Commission?

4 A. Yes.

5 Q. Looking now at the plane that you did think was yours,
6 N156G, the Gulf Stream 3, you mentioned some particular
7 trips. One of them was a trip to Africa. How long were
8 you in Africa approximately?

9 A. We were there two weeks and two days, I believe.

10 Q. Did the plane fly you across and then go home, as it
11 were?

12 A. No, it stayed with us and it brought us back from
13 Africa.

14 Q. Well, how many people come with a plane, if you don't
15 mind me asking?

16 SIR ROBIN AULD: You mean passengers, crew or all?

17 MR PRUDHOE: As a crew. What does a private plane flown on
18 your behalf entail in terms of service crew?

19 A. We had two pilots and a stewardess.

20 Q. Your evidence has been today that money sent to your
21 California HSBC account was sometimes used for
22 expenditure that was joint, is that correct?

23 A. Yes.

24 Q. The Commission has heard evidence in relation to
25 payments by the PNP to someone called Youlanda Scott,

1 who we know to be your stylist?

2 A. Yes.

3 Q. Were all the payments made to her or were all

4 the payments made to her in relation to work completed

5 for you and you alone?

6 A. No. She was the stylist for him. He wanted to change

7 his look to compliment mine while we were doing

8 the Hollywood thing and I had to change my appearance

9 for the First Lady thing. So it was for both.

10 SIR ROBIN AULD: So the stylist was for both of you?

11 A. Yes.

12 MR PRUDHOE: Could I just direct your attention please to

13 volume 3 of the documents and to turn to page 1043.

14 (4.33 pm)

15 (Pause due to technical problems)

16 (4.37 pm)

17 MR PRUDHOE: I asked you to turn to page 1043. Do you have

18 that?

19 A. I do.

20 Q. You have had an unexpectedly long time to look at its

21 contents. Are all of the items that appear on that

22 items that relate to female clothes or clothing?

23 A. No, not all of them.

24 Q. Could you just confirm, please, that C&Y Designs by

25 Carla and Youlanda is a reference to Youlanda Scott?

1 A. Yes.

2 Q. Would I be right in thinking that, for instance,
3 the first entry: tuxedo, sandals, dress shoes, blue silk
4 shirt, white linen pants, Dolce & Gabbana suit and tie,
5 they are all male items?

6 A. Yes, they are.

7 Q. Looking a bit further down at the \$16,000 entry: white
8 suit, brown leather blazer, et cetera, are they also
9 male items?

10 A. Yes.

11 Q. We have heard that payments to Youlanda Scott were
12 received from the PNP bank account; did you have any
13 idea that those sorts of payments were being made to
14 her?

15 A. No, I didn't, but I later learned that they were because
16 she told me, once all of this started happening.

17 Q. You were asked earlier in evidence some questions by
18 Mr Milne about My Way Productions in the US. You
19 indicated that you had staff and office expenses to deal
20 with for My Way Productions US?

21 A. Yes.

22 Q. Did your husband have any involvement with
23 My Way Productions in the US?

24 A. No, that was my company before I met him.

25 Q. Did he ever act on its behalf or spend its money or

1 incur liability for it?

2 A. Well, I did find out that the white Phantom Rolls Royce

3 that he bought me for, I think it was either Valentine's

4 Day or my birthday, that he had leased it through my

5 company, how I don't know, so now I am stuck with the

6 liability, I think it is \$6,900 a month that I have to

7 pay for it.

8 SIR ROBIN AULD: He leased a what, a Phantom?

9 MR PRUDHOE: It is a type of Rolls Royce, sir.

10 SIR ROBIN AULD: Did it through your account?

11 A. He did it through my company.

12 SIR ROBIN AULD: Yes, through My Way's bank account?

13 A. Yes.

14 SIR ROBIN AULD: Leased a Phantom Rolls Royce.

15 MR PRUDHOE: You were asked about your housing in Leeward.

16 Before you lived at the house that we have heard a lot

17 about that was built especially for your husband, you

18 lived elsewhere in Leeward, is that correct?

19 A. Yes.

20 Q. In a beach house, I think you described?

21 A. Yes.

22 Q. Are you aware as to who the landlord of that property

23 was?

24 A. He told me it was his house.

25 SIR ROBIN AULD: He told you what?

1 A. He told me it was his house.

2 SIR ROBIN AULD: Beach house in Leeward, yes.

3 MR PRUDHOE: Because you were present to hear your husband's

4 evidence, you have been able to answer questions in

5 relation to the loans that he explained in his evidence.

6 Essentially you didn't know about the fact that he was

7 taking loans.

8 A. I learned a lot from his evidence. I had a notebook and

9 a pen, writing down so much.

10 Q. The Commission heard about other loans when we heard

11 from Mr Chal Misick. Were you aware that Chal Misick,

12 for example, was loaning your husband money?

13 A. Look, Michael told me that he was a very wealthy man, we

14 were rich, so I never thought that he had to borrow or

15 get any loans from anyone.

16 Q. Could I ask you, please, to turn to volume 2 of the

17 documents, within that bundle of documents to page 391

18 please. Do you have that?

19 A. I have it.

20 Q. We have already heard, and I won't take you to again,

21 the J&T Banka loan itself. This is the document that

22 came afterwards to extend the loan. That is accepted as

23 a fact. This is a document to which you were not

24 a signatory. That is also accepted. If you look at

25 page 392, there is nowhere for you to sign?

1 A. Right.

2 Q. Could I ask you please to turn back to 391.

3 Paragraph 1.3, or article 1.3, I think it is. There is

4 reference to some sort of an arrangement in

5 December 18th 2007, which enabled J&T Banka to assign

6 the debt to something called J&T Private Equity. Do you

7 know anything about that at all?

8 A. No, I don't and I would wonder if we did not get

9 the house, why didn't he just return the money?

10 Q. Could I ask you now, please, to turn to volume 3.

11 The J&T Banka documents are all over the place.

12 Volume 3 of the bundle, please. That is some way into

13 the bundle at page 917.

14 A. I have it.

15 Q. Could I ask you, please, to turn to numbered

16 paragraph 3, which is -- well, it is really a question

17 in underlined and then some explanation.

18 If you could just please read the sentence:

19 "The loan to both Michael E Misick and Lisa-Raye

20 McCoy Misick ..."

21 Just read the rest to yourself, please. (Pause)

22 You touched on this in your evidence. I just want

23 to make it clear. You never provided any financial

24 information through a bank in the Czech Republic?

25 A. Never.

1 (4.45 pm)

2 Q. Nobody ever asked you if they could do that on your
3 behalf?

4 A. Not at all.

5 SIR ROBIN AULD: You had better identify the record. Do
6 what on her behalf?

7 MR PRUDHOE: I beg your pardon. Nobody -- you authorised
8 nobody on your behalf to provide details of your
9 personal financial standing to J&T Banka?

10 A. No.

11 Q. Were you aware that your husband maintained an official
12 residence in Grand Turk?

13 A. Yes.

14 Q. Have you ever stayed there?

15 A. No. He has not either since the day I met him.

16 SIR ROBIN AULD: What did you say there, please?

17 A. I said he has not either since the day that I met him.

18 MR PRUDHOE: In relation to Chalmers Misick or
19 Chal Misick -- you were not present for this evidence,
20 but Chal Misick has given evidence that he was your
21 lawyer -- never billed you for any work, is the fact he
22 never billed you correct?

23 A. Well, no, he never billed me because he was not my
24 lawyer. I never signed any contract with him saying he
25 was my lawyer. I didn't even know he was a lawyer until

1 just recently.

2 Q. Is it right that if he believes that you owe him money
3 for legal work, that you would welcome the chance to
4 find out what that legal work was and how much you are
5 supposed to owe him?

6 A. Yes.

7 Q. My Way Productions 2 Limited, the Turks & Caicos Island
8 entity, is \$50,000 overdrawn. Has anybody explained to
9 you how that happened?

10 A. I just found that out yesterday when I went to
11 Belize Bank and they told me that it was \$50,000
12 overdrawn.

13 SIR ROBIN AULD: Racking up interest the while? Is interest
14 accruing on a recurring basis on the loan?

15 A. I don't know, because his friend owns the bank, so for
16 it to be that in arrear, I would probably understand
17 that he probably made a phone call and said pay that.
18 Michael would make a phone call to maybe Andrew or
19 whomever at the bank, and I can't see them letting it be
20 \$50,000 in arrear and not having some type of commitment
21 --

22 SIR ROBIN AULD: When you say he, you are referring to the
23 Premier, are you?

24 A. Yes.

25 MR PRUDHOE: We have heard evidence in relation to somebody

1 called Jim Kerwin. Was he a guest at your wedding?

2 A. Yes.

3 Q. Which of your husband or yourself invited Mr Kerwin to
4 your wedding?

5 A. He, it was his friend, so he invited him to our wedding.

6 Q. In relation to Mr Kerwin, we have heard the evidence
7 that you were to be the face of TCI? Are you aware of
8 the basis upon which you were granted Belongership in
9 2007?

10 A. Yes.

11 Q. Are you aware as to when you were granted Belongership
12 in 2007?

13 A. Not exactly when. I know that it appeared in
14 the newspaper, and then I know that I was supposed to
15 get some type of certificate or something but Michael
16 wouldn't give it to me.

17 Q. Can I ask you to turn to volume 3, please.

18 Could I ask you to turn to page 1104. Do you have
19 that?

20 A. I have it.

21 Q. Is that in fact a minute of Cabinet from 7th March 2007?

22 A. Yes.

23 Q. Detailing the bestowal upon you, amongst others, of
24 Belonger status?

25 A. Yes.

1 Q. Could I ask you, please, to turn a couple of pages

2 forward -- I am afraid the documents are in the bundle

3 in reverse -- to 1102.

4 A. I have it.

5 Q. So we are now over a year later. Do you recognise this

6 as being your Belonger certificate?

7 A. Well, I have never seen it because I only heard --

8 I didn't even know I was supposed to have some sort of

9 certificate or whatever until Michael told me and

10 I asked him where it was and he said he was not going to

11 give it to me.

12 Q. Do you hope that one day your Belonger certificate will

13 be released to you?

14 A. Yes.

15 SIR ROBIN AULD: I should take a copy there while you are at

16 it.

17 A. Yes.

18 MR PRUDHOE: Sir, obtaining copies is not the problem.

19 Finally just in relation to your description of your

20 husband's love for the DR. What particular aspect of

21 the Dominican Republic is your husband so fond of?

22 A. I would need my passport for that. It totally left my

23 head --

24 Q. No, not your passport. You said, I will try and get

25 the quotation right, "I understand that he loves it in

1 the DR". What particular aspect or what about the DR do

2 you think your husband loves?

3 A. Well, he said that they were hungry for infrastructure

4 and that he could aid in that, and I felt like since he

5 had the meetings with the president, that he formed some

6 type of bond, and that he would be able to go over there

7 or, as he said, run over there and be able to live

8 there. He actually has a baby on the way in DR -- no,

9 that is in the Bahamas, sorry.

10 MR PRUDHOE: Sir, those are my questions to this witness.

11 SIR ROBIN AULD: Thank you. Anybody else before Mr Milne?

12 Mr Milne.

13 Re-examination by MR MILNE

14 MR MILNE: Just one point, Mrs McCoy Misick, you touched

15 a few moments ago on the question of the Belize Bank and

16 you made reference to his friend Andrew; who did you

17 mean by that?

18 A. Andrew Ashcroft.

19 Q. How do you know that the two of them are friends?

20 A. He has been to the house several times and we have been

21 out to eat and we have met at Nikki Beach.

22 Q. You understand that Andrew Ashcroft runs

23 the Belize Bank?

24 A. Yes.

25 Q. And that he and your husband would speak?

1 A. Yes.

2 Q. Were you ever party to those conversations?

3 A. Not in a business capacity, no.

4 Q. Were you present when they did speak?

5 A. Yes.

6 Q. What was it that they would be discussing?

7 A. Nothing that I could really speak on that really sticks

8 out in my head. Business that had no business of mine,

9 you know, so I kind of didn't remember.

10 Q. Since you say that he would ring his friend Andrew, was

11 it your understanding that he -- Andrew would make

12 provision for him at the bank in some form or fashion?

13 A. Yes, and not just there, but there was an account at

14 TCI Bank, I believe, and I went to try and get some

15 money from that account and Michael told me that it was

16 in arrear, and I said: how are you getting money from

17 that account; and he said: I am the Premier, so...

18 MR MILNE: Thank you very much. I have no further

19 questions. Do you have any questions?

20 SIR ROBIN AULD: Mrs McCoy Misick, may I ask you about

21 the Dominican Republic too.

22 Does the Premier have any property there to your

23 knowledge?

24 A. Not that I know of.

25 SIR ROBIN AULD: Does he have any bank accounts there to

1 your knowledge?

2 A. Not to my knowledge.

3 SIR ROBIN AULD: When you have been there with him, where do

4 you stay?

5 A. I can't answer that right now because I don't know

6 the name of the hotel.

7 SIR ROBIN AULD: It is a hotel, isn't it?

8 A. It is a hotel. I had my cousin, which is my security,

9 he flew with me there and he may know.

10 SIR ROBIN AULD: Well, I think that is enough really for

11 the purpose. Thank you very much for attending and

12 staying.

13 MR FITZGERALD: Sir, can I just clarify --

14 SIR ROBIN AULD: I am so sorry, I should have asked you if

15 there were any questions arising out of mine. I should

16 have asked you.

17 MR FITZGERALD: Sir, there was an earlier question about

18 a Rolls Royce. I don't imagine it is going to feature

19 in the Commission's --

20 SIR ROBIN AULD: I am sorry I didn't recognise immediately

21 the Phantom was a Rolls Royce.

22 MR FITZGERALD: It was a new point but perhaps in fairness

23 to the Premier I should -- it doesn't seem to have much

24 to do with the subject matter of this Inquiry, but

25 I have just got instructions on it.

1 SIR ROBIN AULD: Yes, of course.

2 MR FITZGERALD: The Rolls Royce you referred to which

3 I think you said was leased through your company and you

4 didn't know anything about it, is that right? Is this

5 right, that you signed the lease for that Rolls Royce?

6 A. I can't remember if I did or not. It was a present, so

7 I was kind of in awe of the whole thing, and if I had to

8 sign something to make it mine, I probably did, and was

9 like yeah.

10 Q. So you did sign the lease on that, then, is that right?

11 A. What, did you not hear me? I said that if I did sign

12 anything, I don't remember signing anything, I was so

13 excited about getting it, I wanted to probably make sure

14 that it was mine if at all that I did sign anything.

15 MR FITZGERALD: Thank you very much.

16 SIR ROBIN AULD: You took it that it was a gift, he was

17 giving you a Rolls Royce?

18 A. Absolutely. He brought it to the set and he put a big

19 red bow on it and everyone from the set came out and it

20 was like, surprise.

21 MR FITZGERALD: Mrs McCoy Misick, the Premier says that you

22 knew it was leased all along and you signed the lease on

23 it, is that fair?

24 A. No, it is not fair. Not at all, sir.

25 MR FITZGERALD: Sir, I don't think it is a central issue for

1 the Commission.

2 SIR ROBIN AULD: It doesn't really matter whether he misled
3 her about this. It is just another piece of expense
4 which may or may not go into the pot, that is all.

5 A. Well, it is an expense for me, because I would not have
6 signed on to have a \$6,900 a month bill. Surely, I have
7 not worked in two years so I don't have that to pay for
8 that car, so I would not have done that either.

9 SIR ROBIN AULD: Thank you very much for attending to give
10 evidence and I am sorry that you have had to stay on so
11 long today.

12 The programme for Monday, it has been changing all
13 day but the position at the moment is that the following
14 witnesses will be called on Monday in this order.

15 The Honourable Floyd Hall will return to give evidence
16 and so also will the Honourable Jeffrey Hall to follow
17 him, and not before 2.00 pm the Honourable
18 Lillian Boyce. I had better not go beyond that, because
19 it will probably change on Monday for the following
20 days.

21 MR PRUDHOE: Sir, there is one matter I could raise very
22 briefly in relation to an undertaking I gave on
23 documents.

24 SIR ROBIN AULD: We have done some work on that over the
25 adjournment. Mr Milne has prepared a written document

1 for you.

2 MR PRUDHOE: I have seen it and it is entirely acceptable in
3 its amended form. There is one aspect that need not
4 form part of a re-draft. I have copies of the J&T Banka
5 documents, which are clearly documents, on the Premier's
6 own case, which are within the ambit of what this
7 witness should be allowed to retain. I have copies
8 because I had to hand over the documents. It makes
9 perfect sense simply to retain those because I am going
10 to get those anyway.

11 SIR ROBIN AULD: I think Mr Fitzgerald is won over.

12 MR FITZGERALD: I have no objection. That was the first
13 thing I offered yesterday was the J&T Banka --

14 MR PRUDHOE: Thank you very much indeed.

15 SIR ROBIN AULD: Thank you, 10.30 Monday morning.
16 (5.00 pm)

17 (The court adjourned until 10.30 am
18 on Monday, 2nd February 2009)

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1	INDEX	
2		PAGE
3	MRS GEORGIA DUNN (affirmed)	1
4	Examination-in-chief by MRS DUFF	1
5	Cross-examination by MR STURMAN	21
6	Cross-examination by MR FITZGERALD	48
7	Re-examination by MRS DUFF	58
8	MR MICHAEL DUNN (sworn)	64
9	Examination in chief by MRS DUFF	64
10	Cross-examination by MR STURMAN	65
11	Cross-examination by MR FITZGERALD	68
12	Re-examination by MRS DUFF	71
13	MRS LISA-RAYE MCCOY MISICK (sworn)	73
14	Examination-in-chief by MR MILNE	74
15	Cross-examination by MR FITZGERALD	148
16	Cross-examination by MR PRUDHOE	187
17	Re-examination by MR MILNE	201
18		
19		
20		
21		
22		
23		
24		
25		

