

Workshop Problem Scenario 2 –
The Case of Dr. Mark Reynolds v. Ministry of Finance and Economic Affairs

Background

Dr. Mark Reynolds has served as Permanent Secretary in the Ministry of Finance and Economic Affairs for six years. He is well respected for his leadership.

On February 10, 2024, national newspapers reported that he acted as surety for bail in the amount of \$10 million for his longtime friend, Jonathan Blake, who was under investigation for financial misconduct and fraud. Since the investigation was being conducted by the Financial Crimes Authority (FCA)—an agency under Dr. Reynolds' Ministry—senior government officials raised concerns about a possible conflict of interest.

On February 12, 2024, Dr Reynolds received a letter inviting him to attend a meeting with the Public Service Commission. He was informed that there would be a discussion about him posting bail for Mr. Jonathan Blake, and that he could bring a legal representative.

On February 14, 2024, the Cabinet Secretary issued a directive requiring Dr. Reynolds to appear before the Public Service Commission (PSC) on February 18, 2024. The directive stated that:

1. The primary concern was whether his actions compromised the integrity of the public service.
2. He could bring legal representation.
3. He needed to submit a written report explaining his actions.
4. He would be placed on leave full pay pending further review.

Disciplinary Proceedings:

1. Dr. Reynolds attended the meeting and defended himself, asserting that:
 - i) His actions were personal and unrelated to his official duties.
 - ii) He sought legal advice before acting as surety and was informed it was legally permissible.
 - iii) His relationship with Mr. Blake never influenced Ministry decisions.

- iv) The FCA operates independently, so there was no risk of undue influence.
- 2. Despite his defense, the PSC proceeded with disciplinary proceedings. On March 5, 2024, Dr. Reynolds was formally charged under the Public Service Regulations, 1961 and given 14 days to explain why he should not be dismissed.
- 3. A Committee of Inquiry, chaired by a retired judge, was convened. During the hearings, Dr. Reynolds remained silent, submitting only a written statement.
- 4. On May 15, 2024, the Committee concluded that his actions were prejudicial to good order and discipline and recommended his dismissal.
- 5. On June 1, 2024, he received two conflicting letters:
 - i) A letter from the Governor-General stating that he had 14 days to appeal to the Privy Council before dismissal took effect.
 - ii) A letter from the PSC stating that his dismissal was already approved, effective immediately.
- 6. Dr. Reynolds requested a copy of the Committee's report, but his request was denied.