

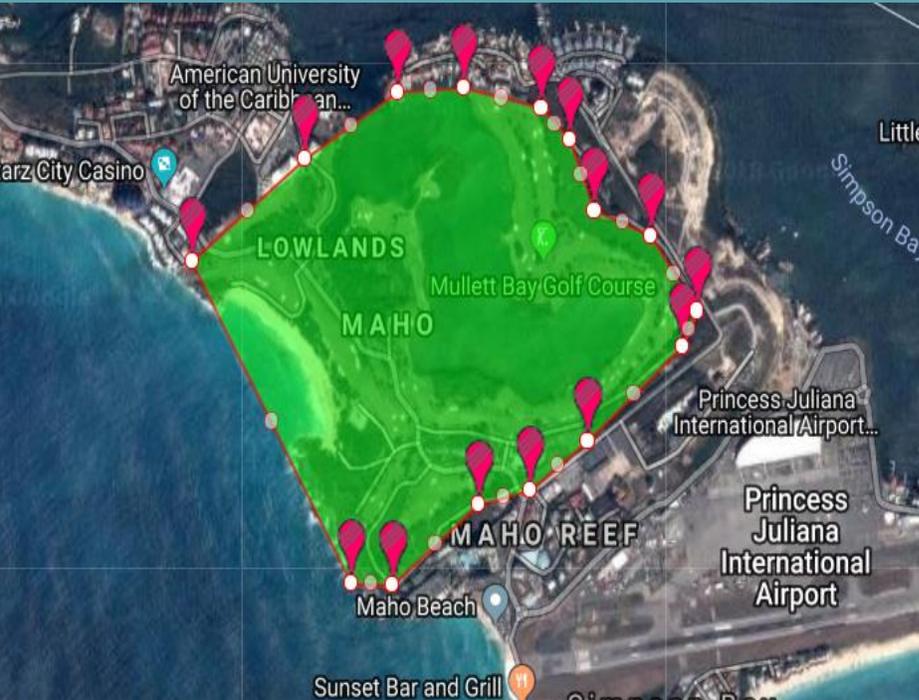


# PROPOSAL FOR PARLIAMENTARY INQUIRY

MP Rolando Brison

United St. Maarten Party

# MULLET BAY INQUIRY



- • • •
- WHAT IS A PARLIAMENTARY INQUIRY
- WHAT IS THE MULLET BAY INQUIRY
- BRIEF HISTORY
- PROBLEM DEFINITION
- RESEARCH OBJECTIVE
- INQUIRY PROCESS
- PLANNING AND ORGANIZATION
- COMMISSION
- BUDGET

MP Rolando Brison  
United St. Maarten Party



# WHAT IS A PARLIAMENTARY INQUIRY

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- National Ordinance Parliamentary Inquiry
- To uncover the truth and bring about solutions
- 3 Main Requirements
  - A decision of parliament
  - A parliamentary commission
  - Detailed description (proposal document that was sent in)



## WHAT IS THE MULLET BAY INQUIRY

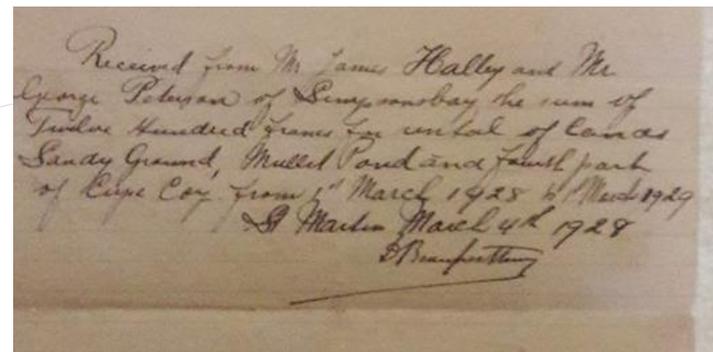
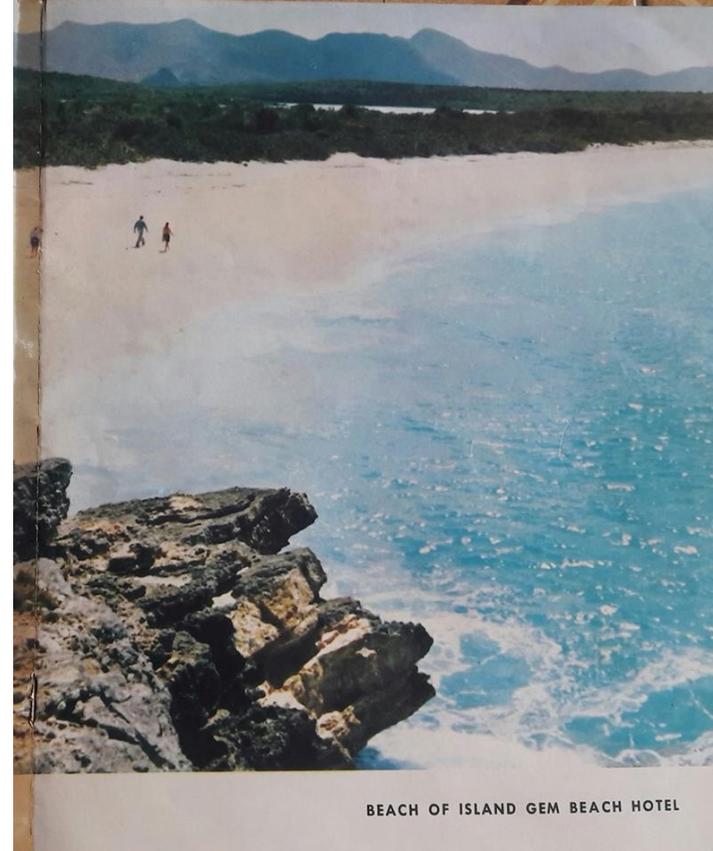
*What can the government of St. Maarten do to ensure that the economically dormant and heavily disputed property of Mullet Bay is being best used in the interest of the people of St. Maarten from an economic, environmental, heritage and legal perspective, and given that the ownership of the property maintains that they own the coast and inland waterways of mullet bay, which is in conflict with the Civil Code, what measures exist and should be taken by the Country St. Maarten?*



# BRIEF HISTORY

*Special thanks to the facebook group “We Are St. Maarten” for the treasure trove of historical pictures from Mullet Bay.*

- First meetbrief 1957, though other related documents 1929 – we need to dig deeper to understand the ownership
- 1969 development first began, 1971 the first 400 rooms were completed.
- Kadaster shows plans for expansions to 1200 rooms by 1985





## MULLET BAY 1978, BEFORE TOWERS



# EXPANSION IN THE 80'S

at Mullet Bay 1-800-235-5889



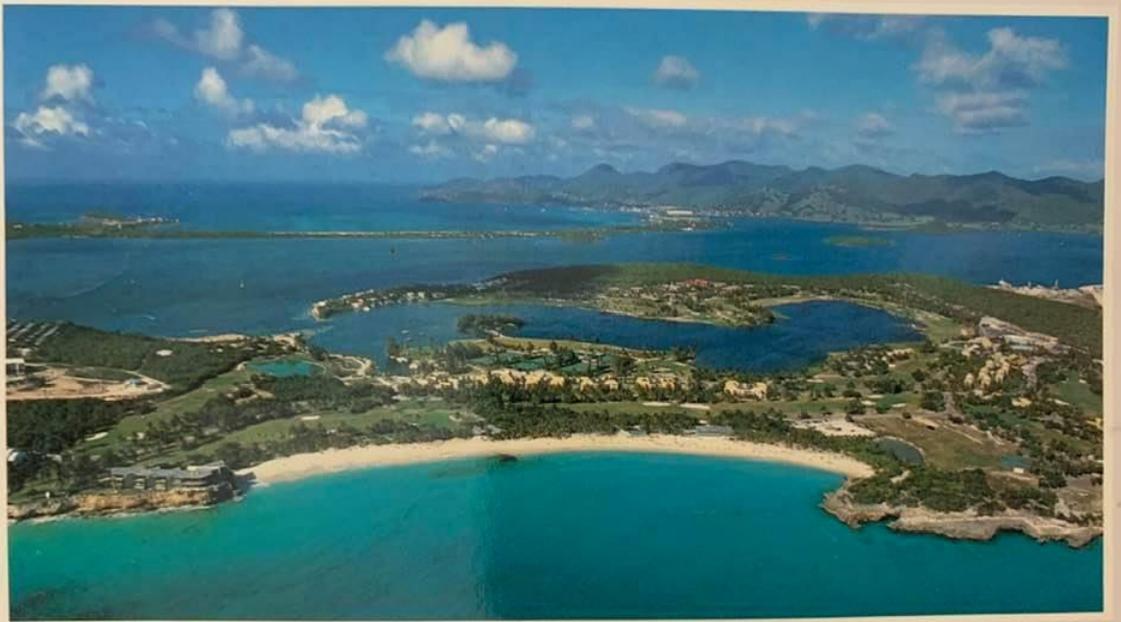
**TOWERS**

The Unsurpassed  
Vacation Destination...



We  
invite you to our fabulous resort  
to find out what Privileged Vacation Ownership  
is all about and to explore the many opportunities  
the Towers at Mullet Bay offers you,  
your family and those who bring  
meaning to your life.

Upon  
completion of your ninety minute tour



Mullet Bay Resort

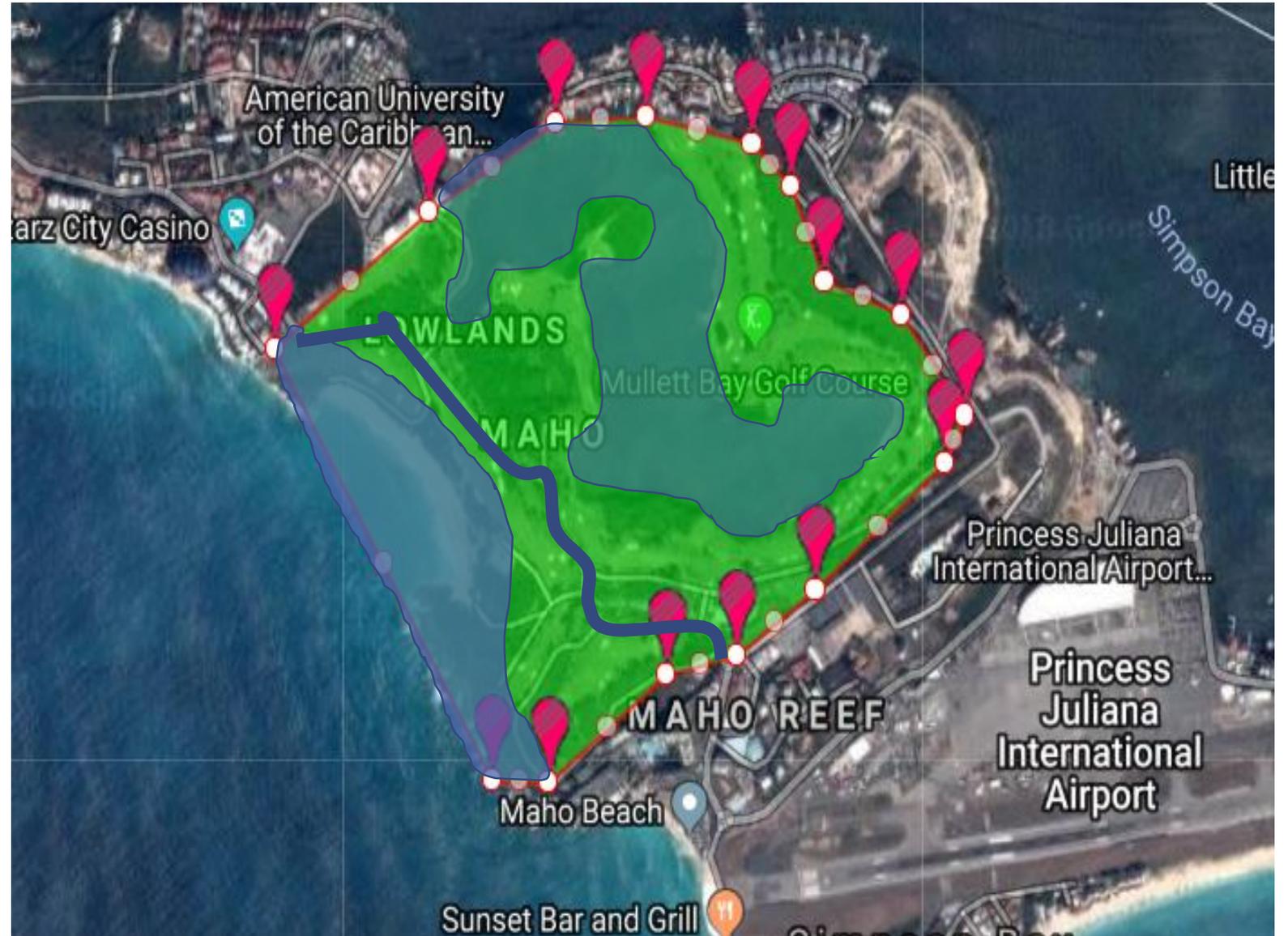
## THEN DISASTER STRUCK! HURRICANE LUIS!



- Over 1800 employees ultimately lost their jobs
- Huge legal battle ensued between timeshare owners and Sun Resorts
- Legal disputes also began between permit holders for beach business activities and Sun Resorts
- Access issues also ensued – bolder placed along roadside making roadside parking impossible, traditional parking areas blocked off
- The claim as to who owns the beach, waterways and coastline is still under contention despite various litigation.
- 24 years later, the ownership, developmental, financial and legal issues are unresolved

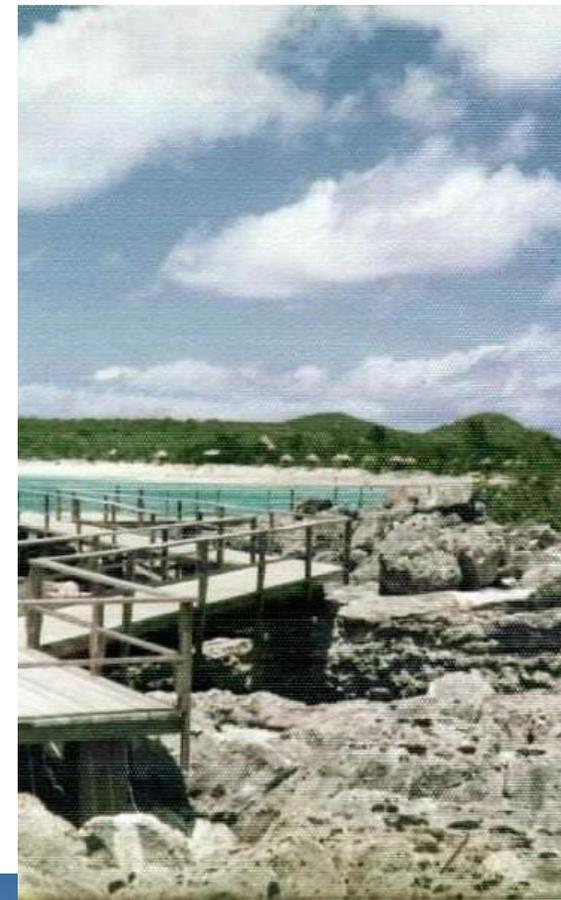
# GEOGRAPHY AND ENVIRONMENT

- 667,500 M2 is claimed by Sun Resorts
- The meetbrief shows the beach, water, coast and reef and the inland waterways (pond) belonging to Sun Resorts
- This appears to be in conflict with Civil Code Book 2, but still disputed
- Even the “public road” is being deemed owned by sun resorts extremely hazardous “rhine road is a main road”





# CENTRAL BANK CONFLICT



- Central Bank has revealed Ennia has overstated the value of the property on their books at 431 MILLION DOLLARS! This included plans for boardwalks, marina in the pond and buildings – but they don't exist!
- Discovered when \$100 million was attempted to be transferred against the property to an account designated by proprietor Hushang Ansary in New York





# CENTRAL BANK CONFLICT

- Central Bank commissioned appraisal: \$49.7 Million
- Why did this happen? How was this possible? What prompted these changes? We need to know!
- We have theories but no answers

Central Bank: 'Incorrect Reporting On ENNIA Causes Unnecessary Reputation Damage And Creates Social Unrest'



WILLEMSTAD, PHILIPSBURG - From the moment that several entities of the ENNIA group were placed under the emergency measure by the Court of First Instance of Curacao at the request of the Centrale





# TIMESHARE IN TROUBLE – LETTERS FROM TIMESHARE OWNERS

**LN** Leona Peterson Naude' <beachkittn@icloud.com>  
Fri 9/6/2019 1:04 PM  
Rolando.Brison@sxmparliament.org; RolandoBrison@hotmail.com

Dear MP Brison,

I am writing to you, an elected representative of the people of Sint Maarten, in the hopes that you will support and investigate the **Mullet** Bay properties, which include The Towers at **Mullet** Bay timeshare building and golf-course. The shady business dealings of Mr. Hushang Ansary, the Ennia insurance debacle, the misappropriation of Owners time-share property and maintenance funds must stop. The lies told by Mr. Ansary's on-island representatives must stop. We need your help to protect our right to continue visiting and staying at the Towers. There needs to be some movement at **Mullet** Bay. The silence from the Government needs to stop. [https://www.thedailyherald.sx/opinion/letter-to-the-editor/78622-the-ennia-saga-and-the-political-silence-surrounding-it?fbclid=IwAR0NPwkNvnPH8KwC-MpMvRQAUj9eBKZCcvckcY\\_lmSo7nr6sVO\\_hGzdJEJE](https://www.thedailyherald.sx/opinion/letter-to-the-editor/78622-the-ennia-saga-and-the-political-silence-surrounding-it?fbclid=IwAR0NPwkNvnPH8KwC-MpMvRQAUj9eBKZCcvckcY_lmSo7nr6sVO_hGzdJEJE)

**SL** SHELLY LESNICK <slesnick1@msn.com>  
Thu 9/5/2019 11:33 AM  
Rolandobrison@hotmail.com

Good Morning,

I have been an owner at the Towers since 1991. My family including 2 children and 4 grandchildren enjoyed many wonderful visits to your beautiful island, about 25 times.

Since the last hurricane we have been unable to visit because of the present situation at the Towers. We are frustrated by the lack of reconstruction. We regret that many of the Towers staff are unemployed and struggling to get by.

There has been a lack of information on the Moratorium. Also, our inability to bring thousands of tourists dollars to St. Martin businesses is surely impacting your economy.

Please help us re-claim our timeshare so we can visit your beautiful island again ! We miss it as it was always our second home and happy place !!

Sincerely,

Shelly Lesnick  
slesnick1@msn.com



## OTHER CHALLENGES

- Lack of development cost the country - how much?
- The special administrative procedure could result in auction – How? When? And to Whom?
- Office already has a lien on the property. Is “afpakteam” going to sell it as with other properties?

### Central Bank: ‘Incorrect Reporting On ENNIA Causes Unnecessary Reputation Damage And Creates Social Unrest’



WILLEMSTAD, PHILIPSBURG - From the moment that several entities of the ENNIA group were placed under the emergency measure by the Court of First Instance of Curacao at the request of the Centrale

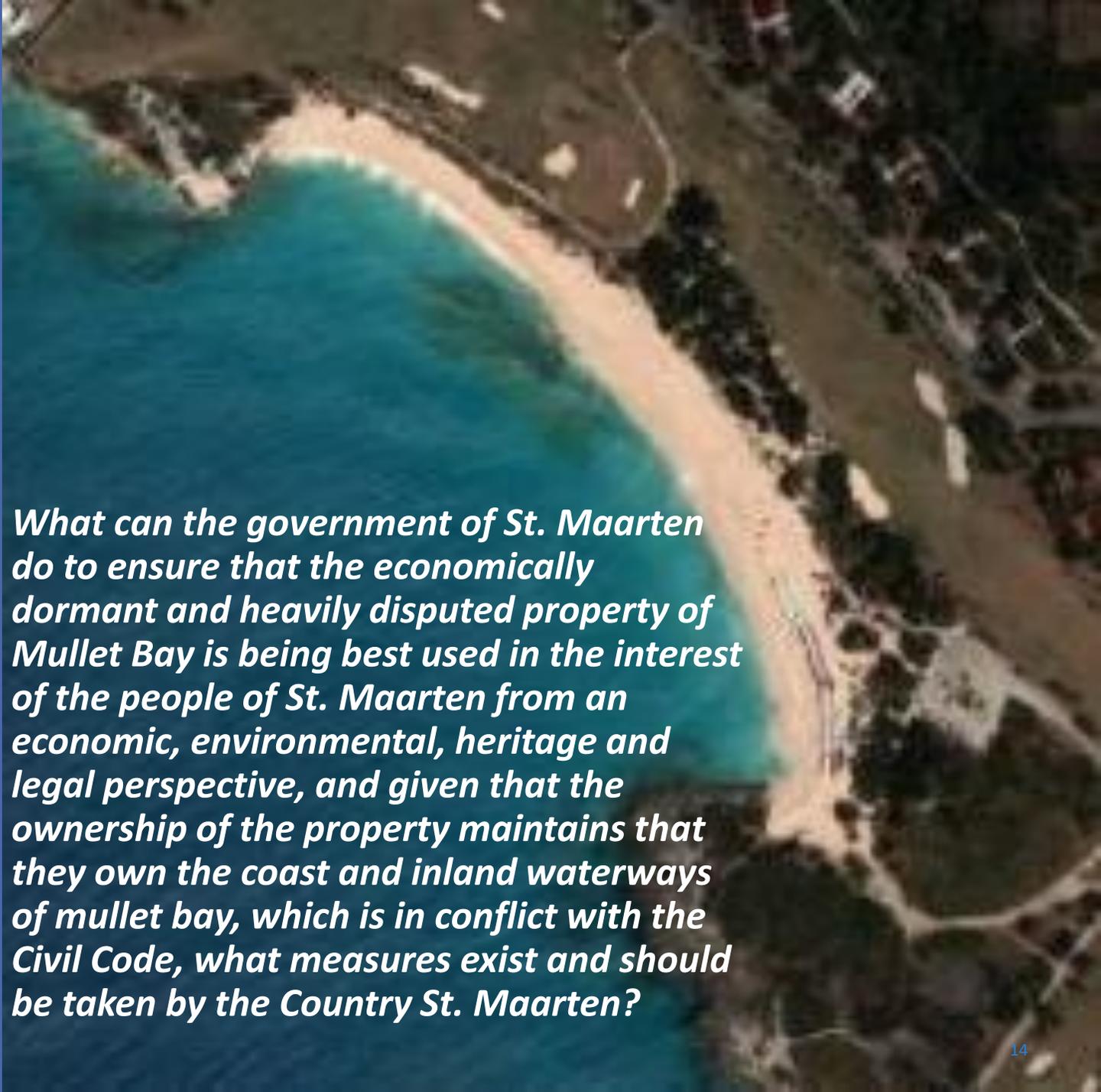
Lien on Sun Resorts in emergency rule Ennia

09 JULY 2018



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# PROBLEM DEFINITION



*What can the government of St. Maarten do to ensure that the economically dormant and heavily disputed property of Mullet Bay is being best used in the interest of the people of St. Maarten from an economic, environmental, heritage and legal perspective, and given that the ownership of the property maintains that they own the coast and inland waterways of mullet bay, which is in conflict with the Civil Code, what measures exist and should be taken by the Country St. Maarten?*



# RESEARCH OBJECTIVES

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Illegalities and  
Legislative  
Shortcomings

Central Bank  
Investigation

Sustainability,  
Environment  
and Heritage

Economic  
Damage



# INQUIRY QUESTIONS

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## Illegalities and Legislative Shortcomings

- 1. What is the current inventory of laws that deal with the protection of natural resources, crucial economic development area and situations where expropriation may be deemed necessary in the national interest?
- 2. Does St. Maarten sufficiently legislate for the protection of its beaches, ponds, the lagoon and other natural resources?
- 3. What detailed recommendations can the commission make as to the specific changes needed in our laws to prevent such abuse from happening ever again?



# INQUIRY QUESTIONS

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## Central Bank Investigation

- 1. With a lien having been placed on the property, can an ultimate decision to auction the property result in government owning it?
- 2. What would be the feasibility of government owning the property, and then leasing it out at rates that benefit the country while attractive to developers/investors?
- 3. Is the current owner willing to sell voluntarily?
- 4. Is the current owner going to be forced to sell the property by court order?
- 5. What legal measures exist for government to reclaim the property?
- 6. Should the Central bank impose fines on Ennia, which would thus lead to a debt to government, and an opportunity for these fines to be settled by reclaiming the property?



# INQUIRY QUESTIONS

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## Sustainability, Environment and Heritage

- 1. What does an ecological assessment of the area reveal about the ecological significance of Mullet Bay?
- 2. What sustainable and environmentally friendly options exist for the tourism development of Mullet Bay Area (Eco-Lodges, Eco-Tourism, Carrying Capacity)?
- 3. What are the guidelines that should be implemented for the protection of the natural resources for any construction in the area?
- 4. Is a golf course sustainable for St. Maarten from an environmental perspective (usage of land on a small island, irrigation and water usage, wildlife)?



# INQUIRY QUESTIONS

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## Economic Damage

- 1. What would a detailed analysis of Mullet Bay's potential Economic Impact show us about the effect a resort operating there would have on our economy?
- 2. What has the lack of economic activity cost the country annually, per capita, and in total over all these years?
- 3. What opportunities exist in the open market to develop a maximally environmentally friendly resort in the area?
- 4. Can this loss of income, and a projected increase in income for the country, be part of a justification for the country to do whatever is feasible to get the property operational again, including expropriation or penalty action by the central bank?



# INQUIRY PROCESS



- **Phase 1: Research Phase** – The preliminary information gathering phase
- **Phase 2: Verification and Hearing Phase** – the phase where the commission will be able to verify information, hear witnesses and seek advice from external entities for possible solutions
- **Phase 3: Reporting Phase** – The information is placed by the commission into a report
- **Phase 4: Conclusions and Actions** - the conclusions from the report are delivered and debated by parliament, actions agreed, and the commission continues to follow up to ensure action is taken after the report is debated by parliament



# AGENCIES HEARD

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## Crucial Summons

- The board of Ennia, Sun Resorts and Management
- Ministers, Secretary Generals, Government Departments, their heads and selected civil servants
- Government Advisory Bodies and ZBO's (SER, Chamber of Commerce, High Councils of State, Kadaster)
- Tax Authorities/Receivers
- Central Bank
- Businesses and Individuals affected: License holders for Mullet Bay beach, Former property owners mullet bay, Relevant Notary

## Other Summons

- Business, Trade and Commerce Organizations: St. Maarten Hospitality and Trade Association (SHTA), St. Maarten Timeshare Association (SMTA), St. Maarten Marine Trade Association (SMMTA), Indian Merchants Association (IMA)
- Other interests in the Hotel and Economic Sector
- Environmental and Agricultural groups: Nature Foundation, EPIC, St. Maarten Pride, St. Peters Gardens, Freedom Fighters
- Community Councils, Town Halls: particularly those who's communities have beaches
- Other Financial and Insurance Institutions
- Investment Groups



# PLANNING AND ORGANIZATION





# MAXIMUM BUDGET

Expense Item	Amount (NAF)	Rate (NAF)	Units
Commission Staff	120,000	24,000	5
Legal Council - Legislation/General	112,000	350	320
Notarial Expertise	20,000	200	100
Public Relations/Communication	24,000	200	120
Advisory Council Stipend	43,200	7,200	6
Financial/Economic Expertise	44,000	220	200
Travel Expense	45,000	-	-
Other Expertise	18,000	-	-
Office Expense, ICT Services	48,000	1,500	32
Town Halls/Meetings Expense	25,000	-	-
Misc. Expense/Unforeseen	20,000	-	-
<b><u>Total Costs</u></b>	<b><u>519,200</u></b>		



# IT IS FINALLY TIME!

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[www.rolandobrison.sx](http://www.rolandobrison.sx)

