

STATEMENT BY THE MEC FOR EDUCATION IN KZN ON THE RELEASE OF THE INVESTIGATION REPORT BY THE PUBLIC PROTECTOR.

On the 13th of December 2021, the Public Protector released a report of the investigation into my alleged breach of Executive Ethics Code. The complaint was lodged by Dr I. Keeka, a member of the Democratic Alliance in the KZN Legislature and was based on the Sunday Times newspaper article which appeared on the 10 November 2019 under the headline “MEC’s faulty MERC scam”.

The article maligned me for having been *“caught using an elaborate scam to justify not using the state car used by [my] predecessor-instead blowing hundreds of thousands of rand in tax-payers’ money on car hire”*

The article further said *“officials answering to [me] appear to have forged a letter from Mercedes Benz dealership advising [me] not to make use of a one-year-old Mercedes Benz GLE 350 because it was so unsafe it could kill [me].”*

Formulating a complaint to the Public Protector, Dr Keeka stated that *“it is possible that in the event that there is confirmation of this, [I] will be in breach of the Code of Conduct and Ethics of the KZN Provincial Legislature applicable to all members.”*

After almost two years of investigation the Public Protector has found that the allegations leveled against me are not backed up by evidence.

In the final report the Public Protector states that *“no evidence was found that [I] was involved in any elaborate scam not to use the official car that was used by [my] predecessor. There is also no evidence that [I] or the department was involved in the forging of a letter, ostensibly from Mercedes Benz Garden City Motors dated 2 November 2019.”*

The Public Protector proceeds to state that *“the evidence shows that [I] relied on the information provided to [me] by the Head of Department in respect of the non-availability of the official car and that [I] had no reason not to accept it.”*

The report concludes that *“it therefore cannot be concluded that [I] acted in a manner that is inconsistent with [my] position and therefore in breach of the Executive Ethics Code, acted improperly or that [I] was involved in maladministration”*

I fully cooperated with the investigation even when I was convinced that the investigators assigned were following a person instead of evidence. This belief was fortified by an email from one of them which accidentally landed on my mail box stating that he was about to finalize the section 7(9) Notice (the preliminary report with adverse findings) but they still needed more evidence. My protest on how the investigators were conducting the investigation was recorded with the Public Protector.

Notwithstanding the fact that I lack both the capacity and instinct to defraud the people, the matter has caused too much agony to my family who have had to endure public scrutiny of being associated with an alleged fraudster. The degradation of dignity we suffered due to baseless allegations of corruption is well recorded. There is not even a cent that accrued to me through the usage of hired cars for official purposes.

The findings make it clear that I was never involved in an elaborate scam as there was no scam to begin with. The Public Protector found that the so-called forged letter is actually *“ostensibly from Mercedes Benz Garden City Motors”*.

In the cause of the investigation, there are people whom I verily believe perjured themselves in the quest for adverse findings to be made against me. These people include two members of the SAPS VIP Protection Unit and some employees within the department.

I will be taking legal advice on my intention to lodge a formal complaint with the Provincial Commissioner of Police about the conduct of these two members. I will also be asking the HoD to look into the matter of staff members who told lies under oath.

I take note that the Public Protector made a finding that *“there is no indication in the evidence that the HoD made any attempt to obtain a detailed mechanical report by the vehicle manufacturer or approved dealer in order to make an informed decision on the replacement of Mercedes Benz...and that therefore the purchase of a new vehicle for the official use was therefore unjustified since the report from Mercedes Benz indicated that the engine had to be replaced”*

Regrettably, the HoD could not respond to the section 7(9) Notice as he has since retired and is indisposed. It is my firm view that the HoD was a victim of a well-orchestrated plot led by a fellow called Jeremiah Ngubane (a former head of security for my predecessor) and a cohort of scoundrels. For many years, the HoD had relied on advices of Mr Ngubane in so far as the official vehicles and security of the MEC were concerned and he had no reason to doubt him on this issue.

Unfortunately, the fellow is no more to answer for his sins, but because we are told of judgement even on the other side of the grave, *(It is appointed for men to die once, but after this to face JUDGEMENT - Hebrews 9:27) may he be judged.*

To me the former HoD remains an honourable man who dedicated his entire life in making valuable contribution to the Education sector. I wish him a speedy recovery so that he can enjoy his retirement.

I want to thank my family and friends for the unflinching support during the whole period of investigation. I also want to thank the staff members who refused to be coopted and used in the ploy to destroy me. These are staff members who were of great assistance to the Public Protector by providing detailed, documentary and historic evidence of usage of official cars by the incumbent and previous MECs.

I remain committed to clean and good governance in the spirit of building a desired capable and developmental state in pursuit of a better life for all.

End.

