

ETHICS AND ANTI-CORRUPTION COMMISSION

**REPORT ON STATUS OF IMPLEMENTATION OF THE RESOLUTIONS ON
THE PETITION CONCERNING ALLEGED FRAUD BY FIRST CHOICE
RECRUITMENT & CONSULTANCY AGENCY LIMITED**

**SUBMITTED TO THE SENATE STANDING COMMITTEE ON LABOUR AND
SOCIAL WELFARE**

=====
Tuesday, 17th September 2024
Committee Room 2, First Floor
Bunge Tower
=====

REPORT ON STATUS OF IMPLEMENTATION OF THE RESOLUTIONS ON ALLEGED FRAUD BY FIRST CHOICE RECRUITMENT & CONSULTANCY AGENCY LIMITED SUBMITTED TO THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

1. Introduction

- The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Commission Act, 2011. The Act was enacted pursuant to the requirement under **Article 79** of the Constitution of Kenya, 2010.
- The mandate of the Commission is to combat corruption and economic crime in Kenya through law enforcement, prevention, public education and promotion of standards and practices of integrity, ethics and anti-corruption.
- The Commission also derives its statutory mandate from other statutes namely; the Anti-Corruption and Economic Crimes Act, 2003, the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2003 and the Bribery Act, 2016 among others.
- This is a report to the Senate Standing Committee on Labour and Social Welfare in relation to a written request vide a letter **Ref: SEN/DSEC/SCLSW/2023/101** dated **2nd September 2024**.
- The Committee sought to be apprised by the Commission on:

"Status of implementation of the resolutions on the Petition concerning alleged fraud by First Choice Recruitment & Consultancy Agency Limited."

2. Allegations

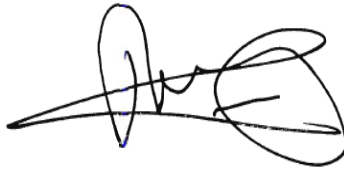
- The Commission is seized of the matter following a complaint received on **22nd August 2023** alleging that a recruitment agency dubbed First Choice and Consultancy conned 7000 youth in Uasin Gishu County.
- The complaint also alleged embezzlement/misappropriation of public funds by officials of the County Government of Uasin Gishu on the Finland/Canada Student Overseas Program.

- It was further alleged that about 200 students were asked to pay over **Kshs. 1 Million each** by the County Government of Uasin Gishu for the Finland Overseas Education Program but the program failed to kick off and the parents of the students lost the money. It was alleged the trustees for the program were public officers at the Governor's office.
- The complainants requested the Commission to find out why **Cosmas Kerich**, the Ward Administrator for Kimumu, who had allegedly been arrested and interdicted for soliciting a bribe from a local investor at Kipkenyo in 2020 was still in office.

3. Status of Investigations

- The Commission considered the matter was of **high public interest**. Upon analysis of the complaint, priority was given to the allegation touching on the public officers in relation to the Finland/Canada Student Overseas Program.
- Therefore, the allegation touching on Finland/Canada student overseas program was investigated and file forwarded vide letter **Ref: EACC.6/27/2 VOL.XXIII (109)** dated **25th September 2023** to the Director of Public Prosecutions in line with **section 35** of the Anti-Corruption and Economic Crimes Act (ACECA), 2003.
- The file was returned to the Commission with concurrence to charge **seven (7)** persons and one company vide letter **Ref: ODPP/HQ/CAM/5/2023/651** dated **16th November 2023**.
- It is noteworthy that the allegations of embezzlement on the Finland/Canada Overseas Program was also investigated by the Directorate of Criminal Investigations (DCI) and suspects charged in a Nakuru Court in 2023. Consequently, the DPP directed that the Criminal Case E2050 of 2023 (Nakuru) be withdrawn and suspects be charged alongside the other identified suspects in the EACC investigation file.
- The Commission upon **review** on the allegation touching on the recruitment agency dubbed First Choice and Consultancy, was of the opinion that the issues raised would amount to offences under the Penal Code, which would best be investigated by the Police (DCI).

Dated this **Tuesday, 17th** Day of **September** 2024

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

=====

Mr. Twalib Mbarak, MGH, CBS
Secretary/Chief Executive Officer
Ethics and Anti-Corruption Commission (EACC)