



OMBUDSMAN

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Notice of Termination Investigation
(Article 17 sub 3 National Ordinance Ombudsman)

Ministry of Finance
Attention: Mr. A. Peels
Secretary General
Philipsburg
St. Maarten

Philipsburg, April 10, 2014

Your ref.no.:
Our ref.no.:OM-OBM 0143/2014

Your letter of:
Complaint no.: 2014/00139

Dear Mr. Peels,

This letter is to inform you that the Ombudsman refrains from further investigation of abovementioned complaint (Mrs.) in accordance with art. 17 of the National Ordinance Ombudsman ("*Landsverordening Ombudsman AB 2010 GT no.20*").

Summary of Complaint

The traffic Police contacted Complainant concerning a hit & run on January 30, 2014. According to the information from the Receiver's Office the license plate V2838, of the car involved in the hit& run, is registered to Complainant. According to Complainant she did not own pertinent license plate for almost two years. However, after a request from Complainant the Receiver's Office refused to change the information in their registry.

Findings

On January 30, 2014 Complainant went to the Receiver's office and spoke to the Department Head Ms. Sherry Hazel. Complainant explained the aforementioned situation and provided her inspection card and insurance documentation of the past two years stating her M-number license plate. The Department Head explained that the only way to change information in the vehicle number registry system is if Complainant provides a bill of sale. Complainant informed the Department Head that she is no longer in possession of the bill of sale. Complainant alleges that the Department Head than rudely gave her back her papers and in a harsh tone expressed that she cannot help Complainant, because Complainant is not cooperating.

Complainant filed a complaint with the Bureau Ombudsman on January 30, 2014 regarding the behavior of the Head of the Receiver's Office and the fact that the Receiver's Office refused to correct a mistake they made in their Registry.



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Subsequently, a Notification of Complaint (NOC) was sent to the Secretary General of the Ministry of Finance on February 12, 2014.

The following questions were posed in the NOC:

- Are you familiar with abovementioned complaint, and can it be resolved on short term with the intervention of the Ombudsman;
- Why are the Inspection card and insurance papers of Complainant not sufficient to correct the Registry;
- Is there a policy on the registering of license plates? If yes, provide this document. If no, provide an elucidation on how it is done;
- Explain the standard procedure for the exchange of license plate when a citizen exchanges for example a V-number plate for an M-number plate. Provide all relevant documentation;
- Is there a policy on how to correct eventual wrongful registrations? If yes, provide the policy document. If no, why not.

On February 18, 2014, after no answer was received from the Ministry of Finance regarding the NOC, a reminder was sent. The Head of the Receiver's Office sent a response via email on February 25, 2014. The response of the Head of the Receiver's Office pertaining to why the Inspection card and insurance papers of Complainant are not sufficient is as follows:

"No inspection card or insurance papers were presented nor were they necessary as the complainant is a tax payer under a "M" number plate. The issue at hand is that she is also, erroneously, known a taxpayer under a "V" number plate."

Regarding the question if there is a policy on the registering of license plates the response is: *"The Receivers office collects motor vehicle taxes. We do not register license plates hence there is no policy for registering vehicles. When taxes are collected from an existing taxpayer, a valid insurance and inspection card is presented and the number recorded on the inspection card is selected in the system. The information in the system is verified and the receipt is printed when payment is received and issued to the taxpayer."*

Furthermore, the explanation of the procedure for the exchange of license plates is: *"When a taxpayer changes a vehicle for which a "M" plate is required, they present valid insurance and inspection and a new "M" number plate is issued after payment is received. In the event the taxpayer already has a plate (in this case a "V" plate). The "V" plate is handed in to avoid the taxpayer putting that plate on another vehicle for which no taxes has been paid. The information in the system remains as is until the plate is sold to another tax payer."*

The last question regarding a policy for the correction of erroneous information in the registry system was not separately answered. The Head of the Receiver's Office provided in her answer to the NOC further elucidation on the specific case of Complainant, wherein she explains that there is no policy for correcting mistakes in the Registry. Also, the Receiver's is



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not obligated to provide the Police with information regarding the Registry, because the task of the Receiver's Office pertaining to license plates is the collection of the road tax and the license plate fee.

By email dated February 25, 2014, the Head of the Receiver's Office confirmed that the registration of the V-license plate was corrected, because the current holder of the plate came to pay taxes.

Standard of proper conduct

In this case the following standards are violated:

- The *standard of adequate organization of services*;
- The *standard of good cooperation*.

The *standard of adequate organization of services* entails that a properly conducting government institution works secure and diligently, avoids making mistakes. In case mistakes are made the institution is expected to correct these swiftly. The citizen does not have to be distressed with correcting the mistake made by the public body.

The *standard of good cooperation* provides that when fulfilling its task, the public body does not prioritize its own interests, rather prioritizes the interests of the citizen while cooperating with another public body. The cooperation between public bodies is for the purpose of providing needed or required service to the citizen, even if the cooperation might affect the public body negatively, the interest of the citizen is primary.

Conclusion

Complainant went to the Receiver's Office on January 30, 2014 to point out a mistake made by the Receiver's Office regarding a V-number license plate, which was no longer registered in her name. Complainant provided all the documentation in her possession to prove that a mistake was made.

Notwithstanding the interpretation of the Head of the Receiver's Office and the practice at the pertinent Department, the Ombudsman concludes that the information in the Registry is not correct due to an internal procedure followed at the Department. In response to the questions asked by the Bureau Ombudsman, the Head of the Receiver's Office states: "*The issue at hand is that she is also, erroneously, known as a taxpayer under a "V"-number plate*"(answer question 4).

Regarding the exchange of a license plate the Receiver explained: "*In the event the taxpayer already has a plate The "V" plate is handed in to avoid the taxpayer putting that plate on another vehicle for which no taxes has been paid. The information in the system remains as is until the plate is sold to another tax payer*".



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Mentioned practice is rather questionable. On the one hand it may seem that the intent and purpose for handing in the license plate is that the tax payer no longer wishes to make use of the pertinent license plate number, while on the other hand it is applied as a measure of precaution. Changing the Registry accordingly only after the plate is sold to another tax payer is dubious. The owner of a vehicle can only sell the vehicle not the license plate. The owner can furthermore also decide to give away the vehicle to a third party or decide to dump the vehicle. Handing in the plate establishes that the license plate, number returned to the system, and is no longer in use by the pertinent tax payer. This should be reflected in the register system of vehicles. Not establishing this is incorrect. As a public body the Receiver's Office is required to correct their mistake swiftly and diligently, and not hinder Complainant in any way. The behavior of the Receiver's Office regarding the correction of the information in the Registry, while the pertinent number was in its possession, was improper.

The Ombudsman further concludes that the Receiver's Office should in cooperation with other departments and or public bodies correct errors. In the interest of the citizen the Receiver's Office could have easily contacted the Vehicle Inspection Department and sort out the error.

While the Receiver's Office went beyond its duty to cooperate with the Police to possibly help solve a criminal offense, which is commendable, the lack of an up to date system, caused a citizen undue duress which is not in the interest of the citizen. The failure to communicate with the Vehicle Inspection Department can cause erosion of trust in the service provided by government bodies. Notwithstanding aforementioned relation between the Receiver's Office and the Police, cooperation with other public bodies should not be limited. Public bodies serve the purpose of providing service to the citizen by prioritizing the interest of the citizen.

Considering the abovestated, the complaint filed with the Ombudsman is founded. However, since the situation has been handled by the Receiver's Office, there is no need to further investigate this complaint.

Regarding the complaint that the Head of the Receiver's Office treated Complainant rudely, not enough facts were acquired to substantiate this claim. As such no judgement will be given regarding the pertinent complaint.

Recommendation

- Provide Complainant with a written statement, including the correction of the registration of V-2838 license plate;
- Establish a policy for adjusting the Vehicle Registry when license plates are returned to the Receiver's Office, as well as the correction of possible errors in the Registry.



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Sincerely,

Dr.R. (Nilda) J.A. Arduin
Ombudsman

cc: - Minister of Finance, Mr. M. Hassink (Martin.Hassink@sintmaartengov.org);
- Mr. Geert Bergsma, Head of Tax Administration (Geert.Bergsma@sintmaartengov.org);
- Ms., Complainant