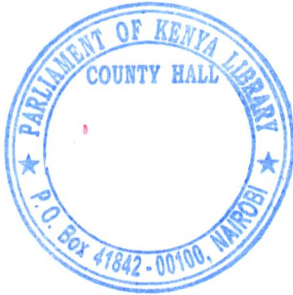


Approved for tabling before the House.

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12/5/2022



REPUBLIC OF KENYA




THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION – 2022

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE APPROVAL HEARING FOR THE APPOINTMENT OF
DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO AS
MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION
(EACC)

 THE NATIONAL ASSEMBLY	
P. O. BOX 1000, NAIROBI	
DATE: 12 MAY 2022	DAY: Thurs
TABLED BY: T. J. Kojwang, MP V-Chair, JKAC	
CLERK AT THE TABLE: C. Ndinty	

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

MAY, 2022

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ABBREVIATIONS AND ACRONYMS

DCI	:	Directorate of Criminal Investigations
HELB	:	Higher Education Loans Board
EACC	:	Ethics and Anti-Corruption Commission
H.E.	:	His Excellency
KRA	:	Kenya Revenue Authority
PSC	:	Public Service Commission
ORPP	:	Office of the Registrar of Political Parties
USA	:	United States of America

CHAIRPERSON'S FOREWORD

In line with the provisions of National Assembly Standing Order 42 (1), the Speaker of the National Assembly on 5th April, 2022 conveyed to the House a message from His Excellency the President, Hon. Uhuru Kenyatta regarding the nomination of Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo for approval for appointment as members of EACC.

The Message dated 31st March, 2022 was forwarded to the Speaker in accordance with the provisions of sections 4 and 10(2) of the Ethics and Anti-Corruption Commission Act, 2011 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011. The Message also included a copy of a letter by the Public Service Commission to H.E. the President regarding the recruitment process which led to the selection of the two nominees for approval for appointment as members of EACC.

The cited statutory provisions require that before appointing members of EACC, the President shall seek approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominees' *curricula vitae* to the Departmental Committee on Justice and Legal Affairs for vetting pursuant to the provisions of Standing Order 45. The Committee was expected to table its report on 3rd May, 2022 while the House was on recess but on 12th April, 2022 through a motion the House extended the time of conclusion of the whole vetting process to 17th May, 2022.

This report contains the Committee's observations, findings and recommendations on the nominees' suitability for appointment to office of members of EACC. The Committee conducted the vetting process for approval of the nominee with reference to the Constitution of Kenya 2010, the Public Appointments (Parliamentary Approvals) Act, 2011, the Ethics and Anti-Corruption Commission Act, 2011, the Leadership and Integrity Act, 2012 and other relevant provisions of the law. Indeed, the Committee finds the nominees suitable for appointment to office and accordingly recommends them for approval by the House for appointment by H.E. the President.

On behalf of the Committee, I wish to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. I also wish to express gratitude to Committee Members for their resilience and devotion to duty which made the approval successful. I further wish to appreciate the Committee secretariat for exemplary performance in serving the Committee which also made the approval hearing successful.

Finally, pursuant to Standing Order 216(5) (f), it is my pleasure and duty to present to the House, the report of the Departmental Committee on Justice and Legal Affairs on the approval hearing for the appointment of Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo as members of the Ethics and Anti-Corruption Commission.

HON. CLEMENT MUTURI KIGANO, M.P

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL
AFFAIRS**

CHAPTER ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

- (1) The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-
- (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - (b) *study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
 - (c) *study and review all legislation referred to it;*
 - (d) *study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - (e) *investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - (f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - (g) *examine treaties, agreements and conventions;*
 - (h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - (i) *consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and*
 - (j) *examine any questions raised by Members on a matter within its mandate .*
- (2) The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-
- (a) Constitutional affairs;
 - (b) The administration of law and Justice;
 - (c) The Judiciary;
 - (d) Public prosecutions;
 - (e) Elections;
 - (f) Ethics, integrity and anti-corruption; and
 - (g) Human rights.

1.2 Committee Membership

(3) The Committee was constituted on Thursday, 14th December, 2017. The membership as at the time of the approval hearing comprised-

Chairperson

Hon. Clement Muturi Kigano, M.P.
Kangema Constituency

Jubilee Party

Vice Chairperson

Hon. Francis Tom Kajwang', M.P.
Ruaraka Constituency

Orange Democratic Movement (ODM)

Hon. Emmanuel Wangwe, M.P.
Navakholo Constituency

Jubilee Party

Hon. Junet Sheikh Nuh Mohamed, M.P.
Suna East Constituency

Orange Democratic Movement (ODM)

Hon. John Olago Aluoch, M.P.
Kisumu West Constituency

FORD-Kenya

Hon. George Peter Kaluma, M.P.
Homa Bay Town Constituency

Orange Democratic Movement (ODM)

Hon. Roselinda Soipan Tuya, M.P.
Narok County

Jubilee Party

Hon. Josephine Naisula Lesuuda, M.P.
Samburu West Constituency

KANU-Kenya

Hon. W. Kamoti Mwamkale, M.P.
Rabai Constituency

Orange Democratic Movement (ODM)

Hon. Zuleikha Hassan, M.P.
Kwale County

Orange Democratic Movement (ODM)

Hon. Jennifer Shamalla, M.P.
Nominated MP

Jubilee Party

Hon. Adan Haji Yussuf, M.P.
Mandera West Constituency

Economic Freedom Party (EFP)

Hon. Daniel Rono Kipkoge, M.P.
Keiyo South

Jubilee Party

Hon. George Gitonga Murugara, M.P.
Tharaka Constituency

Democratic Party (DP)

Hon. Anthony Githiaka Kiai, M.P.
Mukurueni Constituency

Jubilee Party

Hon. Japheth Mutai, M.P.
Bureti Constituency

Jubilee Party

Hon. John Kiarie Waweru, M.P.
Dagoretti South Constituency

Jubilee Party

Hon. Anthony Oluoch, M.P.
Mathare Constituency

Orange Democratic Movement (ODM)

Hon. Robert Gichimu Githinji, M.P.
Gichugu Constituency

Jubilee Party

1.3 Committee Secretariats

(4) The Committee secretariat comprises;

Mr. Samuel Kalama
Principal Clerk Assistant II
Lead Clerk

Mr. Denis Abisai
Deputy-Director, Legal Services

Ms. Halima Hussein
Clerk Assistant II

Ms. Emma Essendi
Legal Counsel I

Mr. Clive Onyancha
Hansard Reporter III

Dr. Donald Manyala
Research Officer II

Mr. Omar Abdirahim
Fiscal Analyst II

Ms. Roselyne Ndegi
Serjeant-at-Arms I

Ms. Noelle Chelangat
Media Liaison Officer

CHAPTER TWO

2.0 BACKGROUND

2.1 Establishment and functions of the Ethics and Anti-Corruption Commission

- (5) The Ethics and Anti-Corruption Commission is established under Article 79 of the Constitution of Kenya and section 3 (1) of the Ethics and Anti-Corruption Commission Act, 2011. Article 79 of the Constitution provides as follows:

Legislation to establish the ethics and anti-corruption commission

Parliament shall enact legislation to establish an independent ethics and anti-corruption commission, which shall be and have the status and powers of a commission under Chapter Fifteen, for purposes of ensuring compliance with, and enforcement of, the provisions of this Chapter.

Further, section 3 (1) of the Ethics and Anti-Corruption Commission Act, 2011 provides as follows:

Establishment of the Commission

There is established an Ethics and Anti-Corruption Commission.

- (6) The functions of the Ethics and Anti-Corruption Commission are provided under section 11 of the Ethics and Anti-Corruption Commission Act, 2011 as follows:

Additional functions of the Commission

(1) In addition to the functions of the Commission under Article 252 and Chapter Six of the Constitution, the Commission shall—

(a) in relation to State officers—

(i) develop and promote standards and best practices in integrity and anti-corruption;

(ii) develop a code of ethics;

(b) work with other State and public offices in the development and promotion of standards and best practices in integrity and anti-corruption;

(c) receive complaints on the breach of the code of ethics by public officers;

(d) investigate and recommend to the Director of Public Prosecutions the prosecution of any acts of corruption, bribery or economic crimes or violation of codes of ethics or other matter prescribed under this Act, the Anti-Corruption and Economic Crimes Act or any other law enacted pursuant to Chapter Six of the Constitution;

(e) recommend appropriate action to be taken against State officers or public officers alleged to have engaged in unethical conduct;

(f) oversee the enforcement of codes of ethics prescribed for public officers;

(g) advise, on its own initiative, any person on any matter within its functions;

(h) raise public awareness on ethical issues and educate the public on the dangers of corruption and enlist and foster public support in combating corruption but with due regard to the requirements of the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003), as to confidentiality;

(i) subject to Article 31 of the Constitution, monitor the practices and procedures of public bodies to detect corrupt practices and to secure the revision of methods of work or procedures that may be conducive to corrupt practices; and

(j) institute and conduct proceedings in court for purposes of the recovery or protection of public property, or for the freeze or confiscation of proceeds of corruption or related to corruption, or the payment of compensation, or other punitive and disciplinary measures including proceedings for the recovery of property or proceeds of corruption located outside Kenya.

(2) Deleted by Act No. 18 of 2014, Sch.

(3) The Commission may cooperate and collaborate with other State organs and agencies and any foreign government or international or regional organisation in the prevention and investigation for corruption.

(4) The Commission shall have all powers necessary or expedient for the efficient and effective execution of its functions, under the Constitution, this Act or any other written law.

(5) The Commission may request and obtain professional assistance or advice from such persons or organizations as it considers appropriate.

(6) The functions of the Commissioners shall be to—

(a) assist the Commission in policy formulation and ensure that the Commission and its staff, including the Secretary perform their duties to the highest standards possible in accordance with this Act;

(b) give strategic direction to the Commission in the performance of its functions as stipulated in this Act;

(c) establish and maintain strategic linkages and partnerships with other stakeholders in the rule of law and other governance sector;

(d) deal with reports, complains of abuse of power; impropriety and other forms of misconduct on the part of the commission or its staff; and

(e) deal with reports of conduct amounting to maladministration, including but not limited to delay in the conduct of investigations and unreasonable invasion of privacy by the Commission or its staff.

(7) The Commissioners shall meet at least once every quarter or as often as the need arises for the execution of their functions.

a) Qualification for appointment as chairperson or member of the Commission

- (7) Section 5 (1) and (2) of the Ethics and Anti-Corruption Commission Act, 2011 provides for the qualification for appointment as a chairperson or member of the Commission as follows:

Qualifications for appointment as chairperson or member

(1) A person shall be qualified for appointment as the **chairperson** if that person—

(a) meets the requirements of Chapter Six of the Constitution;

(b) holds a degree from a university recognized in Kenya;

(c) has knowledge and experience of not less than fifteen years in any of the following fields—

(i) ethics and governance;

- (ii) law;
 - (iii) public administration;
 - (iv) leadership;
 - (v) economics;
 - (vi) social studies;
 - (vii) audit;
 - (viii) accounting;
 - (ix) fraud investigation;
 - (x) public relations and media; or
 - (xi) religious studies or philosophy; and
- (d) has had a distinguished career in their respective field.

(2) A person shall be qualified for appointment as a **member** of the Commission if that person—

- (a) meets the requirements of Chapter Six of the Constitution.
- (b) holds a degree from a University recognized in Kenya;
- (c) has knowledge and experience of not less than ten years in any of the following fields—

- (i) ethics and governance;
 - (ii) law;
 - (iii) public administration;
 - (iv) leadership;
 - (v) economics;
 - (vi) social studies;
 - (vii) audit;
 - (viii) accounting;
 - (ix) fraud investigation;
 - (x) public relations and media; or
 - (xi) religious studies or philosophy; and
- (d) Has had a distinguished career in their respective field.

b) Disqualification for Appointment as chairperson or member of the commission

(8) Section 5 (3) and (4) of the Ethics and Anti-Corruption Commission Act, 2011 provides for the disqualification for appointment as a chairperson or member as follows:

(3) A person shall not be qualified for appointment as a chairperson or as a member if the person—

- (a) is a member of a governing body of a political party;
- (b) is an undischarged bankrupt;
- (c) has been convicted of a felony; or
- (d) has been removed from public office for contravening the provisions of the Constitution or any other law.

(4) Subsection (3)(a) shall cease to apply to a person after two general elections have been held since the person ceased to hold such office.

2.2. Parliamentary approval of appointments to public offices

- (9) Parliamentary approval of appointments to public offices is governed by the Constitution of Kenya, the Public Appointments (Parliamentary Approval) Act, 2011 (hereinafter referred to as “the Act”) and the National Assembly Standing Orders.
- (10) Article 124(4) of the Constitution provides that *when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament-*
- (a) the appointment shall be considered by a committee of the relevant House;*
 - (b) the committee's recommendation shall be tabled in the House for approval;*
and
 - (c) the proceedings of the committee and the House shall be public.*
- (11) Section 6 of the Act also provides as follows on the conduct of approval hearings-
- (a) All committee proceedings on public appointments shall be open and transparent;*
 - (b) The Committee may on its own motion or on the application of a candidate or any other concerned person determine the whole or any part of its sittings shall be held in camera;*
 - (c) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background;*
 - (d) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate;*
 - (e) Any person may, prior to the approval hearing and by written statement on oath provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.*
 - (f) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.*

(a) Notification of nomination

- (12) In accordance with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011 the Speaker of the National Assembly received a letter from the Head of Public Service on behalf of the President notifying the House of the nomination by the President of Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo for approval for appointment as members of EACC. The letter was accompanied by the nominees' Curricula Vitae and testimonials. **(Annexure 3).**
- (13) As stipulated under section 5(3) of the Act, the notification for nomination must be accompanied by information concerning the nominee, taking into consideration the issues for determination as outlined in section 7 of the Act.

(b) Submission of nominees' names to the Committee

- (14) Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f), the nominees' names were after conveyance to the House committed to the Departmental Committee on Justice and Legal Affairs for approval hearing and reporting to the House.

(c) Approval hearing/ Notification of the Public

- (15) The Clerk of the National Assembly is required to invite the Committee to hold an approval hearing as required by section 6(1) of the Act. Pursuant to the provision, the Committee is required to notify the nominees and the public of the time, date and venue for conducting the approval hearing.
- (16) In accordance with section 6(3) of the Act, the Committee placed advertisements in the local daily newspapers on Friday 8th April, 2022 notifying and inviting the nominees to attend the vetting on Wednesday 20th April, 2022 in the Mini Chamber in County Hall, Parliament buildings. This notification was followed up with letters to the nominees inviting them to attend the vetting and requesting them to submit the completed questionnaire in the schedule to the Act together with clearance certificates from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Office of the Registrar of Political Parties (ORPP) and the Directorate of Criminal Investigations (DCI). **(Annexure 4)**
- (17) Pursuant to the provisions of Article 118 of the Constitution and section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Committee did by way of advertisement in the print media, notify the general public of its intention to conduct the approval hearing on Wednesday 20th April, 2022 in the Mini Chamber in County Hall, Parliament buildings.
- (18) The advertisement also invited the public to submit memoranda on the suitability or otherwise of the nominees to hold office. Indeed, section 6(9) of the Act permits any person to provide the Committee with evidence contesting the suitability of a candidate to hold the office which the candidate has been nominated. Notably, such evidence should be provided to the Committee through the Office of the Clerk in the form of a written statement made on oath and must be submitted prior to the approval hearing.
- (19) It is worth noting that section 6(7) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the approval hearing should focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
- (20) With respect to personal integrity, the Committee should consider whether the nominees are in good standing with relevant institutions such as the KRA and the HELB. It is also crucial for the EACC and the DCI to conduct background checks on the nominees to ascertain whether there is any corruption or criminal proceedings pending against them. Lastly, the ORPP should confirm that the nominees do not hold office in a political party.

(d) Timelines

- (21) Section 10 (3) of the Ethics and Anti-Corruption Act, 2011 provides that the National Assembly shall, within twenty-one days of the day it next sits after receipt of the name of an applicant under subsection (2), vet and consider the applicant, and may approve or reject applicants for any or all vacancies in the Commission.
- (22) Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within twenty-eight days from the date on which the notification of nomination was given in accordance with section 5.
- (23) The provision of the Ethics and Anti-Corruption Act, 2011 with regard to timelines, should prevail. However, the Speaker of the National Assembly in his communication to the House on April 5, 2022, directed the Committee to submit the report within twenty-eight (28) days.
- (24) Further, on Tuesday 12th April, 2022, the House approved a motion to extend the period for consideration of the report by a further fourteen (14) days from May 3, 2022 pursuant to the provisions of section 13 of the Act which allows for time extension, in exceptional circumstances, of the period for performing an act or taking a proceeding required under the Act for a period not exceeding fourteen (14) days. Such an extension can only be granted once. In this regard, the Committee is expected to consider the nomination and table its report in the House by 17th May, 2022.
- (25) It is also worth noting that section 9 of the Public Appointments (Parliamentary Approval) Act, 2011 stipulates that where the House does not meet the prescribed timelines, the nominee shall be deemed to have been approved.

(e) Criteria for vetting

- (26) Pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, the criterion for vetting is comprehensively contained in the Questionnaire in the Schedule to the Act. The Questionnaire allows the committee to obtain information on, among other things:
 - (a) Name- the Committee will be able to ascertain the regional background and ethnicity of the nominee. This is to ensure compliance with Article 232 (1) (h) of the Constitution which contemplates a Commission that reflects Kenya's diverse communities;
 - (b) Gender- the Committee will be able to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) of the Constitution and section 10 (9) of the Ethics and Anti-Corruption Act, 2011 that require the State to take measures to ensure that not more than two thirds of members of appointive bodies shall be of the same gender;

- (c) Age -the Committee will be able to ascertain compliance with the provisions of Article 55 of the Constitution on the youth;
 - (d) Nationality-the Committee will be able to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution that State officers must be Kenyan Citizens. It is worth noting the Article 78 (3) (a) of the Constitution exempts judges and members of commissions from this requirement;
 - (e) Education background;
 - (f) Employment record;
 - (g) Honours or awards given to the nominee;
 - (h) Membership to professional bodies;
 - (i) Public office and political affiliations held- the Committee will be able to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution that proscribes an appointed state officer from holding office in a political party;
 - (j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State Officer who has been removed from office under Article 75 (3) from holding any other State Office;
 - (k) Nominee's Finances;
 - (l) Outside commitments that the nominee intends to undertake while in office (if appointed) - Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment. It is, however, worth noting that section 7 (2) of the EACC Act, 2011 provides that the Chairperson and members of the Commission shall serve on a part-time basis;
 - (m) Tax compliance status;
 - (n) Potential conflict of interest -Article 75(1) of the Constitution bars state officers from engagements or association that may give rise to conflict between official/public duties and personal interest;
 - (o) Whether the nominee has been charged in a court of law in the past three years; and
 - (p) Whether the nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.
- (27) The questionnaire is largely formulated based on Constitutional and statutory requirements for State Officers and other considerations that are of importance in order to make a determination on the suitability of a nominee.

(f) Issues for Consideration

- (28) Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 outlines the issues for consideration by the House in relation to nomination of the nominee as-
- (a) the procedure used to arrive at the nominee;
 - (b) the constitutional and statutory requirements relating to the office in question; and
 - (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.

2.3 Procedure used to arrive at the nominee

- (29) The procedure for appointment of members of the Commission is outlined under section 10 of the Ethics and Anti-Corruption Commission Act, 2011 as follows:

Filling of vacancy

- (1) *Whenever a vacancy arises in the membership of the Commission, the Public Service Commission shall, within fourteen days—*
- (a) *invite applications from persons who qualify for nomination and appointment by advertisement in at least two daily newspapers of national circulation;*
 - (b) *consider the applications received to determine their compliance with the provisions of the Constitution and this Act;*
 - (c) *shortlist the applicants;*
 - (d) *conduct interviews of the shortlisted persons in public;*
 - (e) *shortlist three qualified applicants for each vacancy; and*
 - (f) *forward the names of the qualified persons to the President.*
- (2) *The President shall, within fourteen days of receipt of the names of successful applicants forwarded under subsection (1)(f), select the person to fill the vacancy in the Commission and forward the name of the person to the National Assembly for approval.*
- (3) *The National Assembly shall, within twenty-one days of the day it next sits after receipt of the name of an applicant under subsection (2), vet and consider the applicant, and may approve or reject applicants for any or all vacancies in the Commission.*
- (4) *Where the National Assembly approves of an applicant, the Speaker of the National Assembly shall forward the name of the approved applicant to the President for appointment.*
- (5) *The President shall, within seven days of receipt of the name of the approved applicant from the National Assembly, by notice in the Gazette appoint the applicant to the Commission.*

- (6) *Where the National Assembly rejects any nomination, the Speaker shall within three days communicate its decision to the President and request the President to submit fresh nominations.*
- (7) *Where a nominee is rejected by the National Assembly under subsection (6), the President shall within seven days, submit to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the Public Service Commission under subsection (1)(f).*
- (8) *If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (1), the provisions of subsections (1) and (2) shall apply.*
- (9) *In short listing, nominating or appointing persons to fill a vacancy in the Commission, the Public Service Commission, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender.*

2.4 Constitutional and Statutory requirements

- (30) The Constitution of Kenya in addition gives guidelines on how to appoint persons to public office which include –

(a) Two-third Gender Rule

- (31) Article 27 (8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. This requirement is also provided under section 10 (9) of the Ethics and Anti-Corruption Commission Act, 2011 which provides that when short listing, nominating or appointing persons to fill a vacancy in the Commission, the Public Service Commission, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender.
- (32) Section 4 of the Ethics and Anti-Corruption Act, 2011 provides that the Commission shall consist of a chairperson and four other members appointed in accordance with the provisions of the Constitution and this Act. In order to ensure compliance with the Constitution and the Ethics and Anti-Corruption Commission Act, 2011 on the gender rule, the Commission should comprise of three men and two women or vice versa.
- (33) If the nominees are approved, the Commission will comprise of two (2) women and three (3) men as follows:

NAME	GENDER
1. Archbishop (Rtd.) Eliud Wabukala, EBS	Male
2. Col. (Rtd.) Alfred Mtuweta Mshimba	Male
3. Dr. Monica Wanjiru Muiru	Female
4. Dr. Cecilia Mbinya Mutuku	Female
5. Mr. John Ogallo	Male

(b) Representation of regional and ethnic diversity

- (34) Article 232 (1) (h) of the Constitution contemplates a Commission that reflects Kenya's diverse communities. It is worth noting that section 4 of the Ethics and Anti-Corruption Commission Act, 2011 limits the number of Commissioners to five (5) and therefore there cannot be representation from each region.

(c) Persons with Disability

- (35) Article 232 (1) (i) of the Constitution provides that the values and principles of public service include –
- (i) Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—
 - (a) Men and women;
 - (b) The members of all ethnic groups; and
 - (c) Persons with disabilities.
- (36) Further Article 54(2) mandates the State to ensure the progressive realization of the principle that at least five percent of members of the public in appointive bodies are persons with disabilities.

(d) Youth

- (37) Article 260 of the Constitution defines a “youth” as the collectivity of all individuals in the Republic who—
- a) Have attained the age of eighteen years; but
 - b) Have not attained the age of thirty-five years.
- (38) Article 55 mandates the State to take measures, including affirmative action to ensure that the youth have opportunities to associate, be represented and participate in political, social and economic spheres of life.

(e) Leadership and Integrity

- (39) The Committee, in determining the suitability of the nominee, was guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include –
- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
 - (c) selfless service based solely on the public interest, demonstrated by —*
 - (i) honesty in the execution of public duties; and*
 - (ii) the declaration of any personal interest that may conflict with public duties;*
 - (d) accountability to the public for decisions and actions; and*
 - (e) discipline and commitment in service to the people.*

- (40) Of importance also is Article 77(5) of the Constitution that requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State Officer who has been removed from office under that Article from holding any other State Office.
- (41) Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment. However, section 7 (2) of the EACC Act, 2011 provides that the Chairperson and members of the Commission shall serve on a part-time basis.
- (42) Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.
- (43) Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship. It is worth noting the Article 78 (3) (a) of the Constitution exempts judges and members of commissions from this requirement.
- (44) In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that—*A State officer shall, to the best of their ability—*
- (a) Carry out the duties of the office efficiently and honestly;*
 - (b) carry out the duties in a transparent and accountable manner;*
 - (c) keep accurate records and documents relating to the functions of the office; and*
 - (d) report truthfully on all matters of the organization which they represent.*
- (45) The nominee’s suitability to hold office was holistically gauged after scrutiny of the nominee’s credentials, experience, background and qualities as well as the performance of the nominee during the approval hearing.

(f) Power to call for evidence

- (46) It is important to note that the Committee is empowered to call for evidence pursuant to Article 125 of the Constitution, section 12 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 191. In this regard, the Committee did request for further information from the Kenya Revenue Authority with regard to the tax compliance status of Mr. John Ogallo.

(g) Memoranda

- (47) The Committee did not receive any memoranda or written statement on oath from the public on the nominees. It is important to point out that section 6(9) of the Act provides that any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

(h) Clearance Requirements

- (48) The Committee sought from EACC, KRA, HELB, DCI and ORPP reports with respect to the nominees on matters touching on integrity; tax compliance; education loan repayments and membership to political parties. In response-
- (a) the HELB confirmed vide a letter Ref: HELB/RR/112009/169 dated 14th April, 2022 that Mr. John Ogallo was not a beneficiary of the HELB Loans Scheme whereas Dr. Cecilia Mbinya Mutuku settled her loan and was cleared vide certificate No.28282 on 30th June, 2011;
 - (b) KRA confirmed vide a letter Ref: KRA/5/1002/5(7467) dated 19th April, 2022 confirmed that Dr. Cecilia Mbinya Mutuku was tax compliant whereas Mr. John Ogallo was non-compliant as at 19th April, 2022;
 - (c) EACC vide a letter Ref: EACC.7/10/5/VOL XIX (205) dated 14th April, 2022 confirmed that the Commission had no outstanding issues or ongoing investigations against the nominees; and
 - (d) ORPP confirmed vide a letter Ref: RPP/ORG/34 Vol. V (51) dated 12th April, 2022 that the nominees are not officials of any registered political party. **(Annexure 6).**

CHAPTER THREE

3.0 APPROVAL HEARING FOR OF DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO AS MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

(49) The nominees Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo appeared before the Committee on Wednesday 20th April, 2022 at a sitting held in the Mini Chamber County Hall, Parliament Buildings.

- (a) The nominees were informed by the Chairperson that, pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee had invited submissions from the public on their suitability or otherwise for appointment as members of EACC. By the deadline date of 15th April, 2022 the Committee did not receive any memoranda contesting their suitability for appointment to office
- (b) The Chairperson informed the nominees that in view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders of the National Assembly, the Committee was to proceed to undertake the approval hearing as required by the law.

3.1 Dr. Cecilia Mbinya Mutuku

(50) Dr. Cecilia Mbinya Mutuku the nominee for appointment as member of EACC appeared before the Committee and submitted as follows:

- (a) In her introductory remarks, the nominee stated that she was born in 1954 in Makueni County. She is married to Dr. Mutuku and are blessed with six (6) children. She has been an employee of the Kenya Bureau of Standards since 2005 having served in various capacities.
- (b) On what she intends to achieve at the Commission, she submitted that she intends to share her professional training and experience, especially at the National Integrity Academy which has been created by EACC, which she hopes will create a lot of awareness on integrity matters amongst Kenyans.
- (c) On reasons why there are a lot of contraband goods in the market most of which have stamps and certification from KEBS: the nominee stated that indeed there was a challenge of corruption by some unscrupulous officials at KEBS. However, she noted that when she joined KEBS, as the head of the Human Resources Function, there were no structures but she managed to create some that have been critical in addressing most of the systemic issues and reducing incidences of non-performance motivated by corruption.
- (d) On reasons why KEBS had failed to regulate the water sector thus exposing consumers to unsafe drinking water: the nominee reckoned that the institution has a market surveillance department which is charged with inspecting products in the market to ensure that they fulfill the quality standards prescribed by the Bureau.

However, she cannot rule out incidences of corruption that might lead to compromised officials hence allowing unsafe water in the market.

- (e) On her motivation to leave lucrative employment at KEBS for the risky part-time EACC, she averred that she has a passion for supporting integrity matters as she had offered free training before with EACC on integrity. She, therefore, hopes to use the position at EACC to influence change of behavior among Kenyans through training which is her major strength.
- (f) On her vision of addressing matters of corruption from the lower cadres to the highest cadres and offices in the public service: the nominee asserted that her strength is in setting up structures for effective utilization of resources. Therefore she will see to it that appropriate structures in the public service that promote the need to hold officers accountable shall be in place coupled with an appropriate change of mindset strategy. Furthermore, she wants to instill a preventive strategy rather than a curative prescription which is always late in the day. Finally, she hopes to deliver a motivated staff at the Commission so as to strengthen the fight against corruption.
- (g) On her views on the handling of cases by the EACC compared to other jurisdictions like the Serious Crime Office of the UK, which prosecuted the chicken gate scandal offenders to conviction while Kenya is yet to prosecute the counterparts at the IEBC, the nominee stated that indeed there was a lapse in our performance as a country in matters prosecutions and convictions of suspects. She noted that there is a long chain in the Criminal Justice System (CJS) thus collaboration and partnerships should be strengthened among all the institutions within the system. On the other hand, the public is required to take up its role fully in ethics and ensure that everyone is ethical.
- (h) On the challenge of whether she could borrow such a plan as was used by the western countries upon the conclusion of the Second World War, she took up the challenge and assured the Committee she will strive to promote radical plans once confirmed in the position. She also committed to promoting both self-responsibility and leadership responsibility among our leaders.
- (i) On what hope she hopes to give the country: the nominee noted that focus will be on mindset shift and strengthening the moral fabric that holds everyone from young to the old members of the society.
- (j) On her take on persons facing corruption charges who are eyeing political seats, the nominee noted that individuals need to be encouraged to be self-responsible and utilize their moral conscience to make the right decisions that are good for the public and urged the public not to vote in such individuals

3.2 Mr. John Ogallo

(51) Mr. John Ogallo, the nominee for appointment as member of EACC lives in the United States of America and participated in the approval hearing virtually. He submitted as follows-

- (a) In his introductory remarks, the nominee stated that he was born in Migori County and is a Kenyan citizen but currently lives in Maryland, Washington DC, USA. He stated that he has been out of the country since the year 2001 on foreign assignments with the last one being at World Bank leading programs on governance and financial management.
- (b) On whether he intends to return to Kenya or he will be running affairs of EACC while in the USA, the nominee stated that he retired from World Bank in October 2019 and he was only settling his wife who is a post-graduate student when this appointment got him, thus will return to Kenya soon after he is done with medical checkups in May 2022. He apologized to the Committee for not being able to re-organize his schedule in time to travel to Kenya to attend physical hearing and thus could only make it virtually in the meantime.
- (c) On being unequivocal on his relocation to Kenya, the nominee stated that the main reason for his delay on returning to Kenya was the disruptions caused by COVID-19 but would return to Kenya immediately after his last medical appointment set for the 12th of May, 2022.
- (d) On whether he was conversant with the local happenings in Kenya considering that he has been out of the country for over 25years, he acknowledged that he has been away physically but not out of communication as he has been following local news and has been visiting Kenya at least three times a year.
- (e) On how to handle the challenge of EACC not being able to prosecute its own cases, the nominee averred that the model of having another body handling prosecutions was, in his opinion, in order as the fight against corruption needs a multi-agency approach as having all those functions under EACC could breed another problem in conflict of interest and corruption from within. Thus the nominee supports the current model as it provides checks and balances and proposed that proper coordination and adequate capacity is what should be reinforced to ensure successful conviction on the strength of watertight investigations.
- (f) On views on political candidates facing corruption charges, the nominee stated that corruption is at times fueled by politicians and that he does not support persons facing corruption charges to vie for political offices. He would engage Parliament once approved into office, to tighten the legal framework around the integrity of political candidates in view of strengthening the war against corruption.
- (g) On views on the Judiciary's handling of corruption cases and proposals on enhancing the performance of the Judiciary on the same, the nominee stated that both prosecution and investigation needs to be top notch in order to ensure conviction by the Judiciary. He submitted that he will engage the Judiciary with a

view to seeking support for the fight against corruption through expeditious hearings.

- (h) On a clarification of his tax compliance status in Kenya, the nominee stated that upon his own initiative to file rental income as required by law, KRA came up with a number of tax queries on his other income which was not earned in Kenya and thus was not subject to taxation. Thus a Tax compliance certificate had not been issued due to administrative issues at KRA owing to challenges in communication between himself being out of the country and the KRA.
- (i) The Kenya Revenue Authority via a letter dated 19th April, 2022 submitted that the nominee was not tax compliant. The nominee explained, during the approval hearing and in his filled questionnaire, that he has been filing monthly rental income returns. However, there were some arrears that he has been reducing through monthly payments and part of the amount that may be shown as arrears by KRA in its records are in respect of misfiling that occurred in August, 2020 which has not been corrected in the system.
- (j) The nominee further availed a letter from the World Bank Group dated 9th May, 2022 attached to the report as **annexure 8** indicating that he was an employee of the International Bank for Reconstruction and Development (IBRD) from 6th October, 1997 to 1st November, 2019 and that pursuant to Article VI, Section 19, Paragraph (b) of the Convention on the Privileges and Immunities of the Specialized Agencies with respect to the IBRD which the Government of Kenya is a party to, his salary and emoluments were tax exempted by virtue of being the Bank's employee. The Committee vide a letter dated 10th May, 2022 requested KRA to confirm and explain the nominee's assertion.
- (k) On whether he was a registered voter and has ever voted, the nominee affirmed that he is a registered voter under the diaspora voters' category at the Kenyan Embassy in Washington DC, but has been previously voting in Kenya.
- (l) On his views on the handling of the Akasha brothers' cases in the USA compared to Kenya, he stated that the system difference is an indictment on Kenya, as Kenya had failed to return a verdict on their cases filed locally while the USA returned a verdict in a short time upon being charged courts there. The nominee however proposed that Parliament should enact an extradition law or treaty with the USA in view of shared cooperation in administering justice on cross border offenders.

CHAPTER FOUR

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

(52) The Committee having considered the *curricula vitae* of Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo and having heard their submission and testimonies during the approval hearing made the following observations and findings on their suitability to hold office:

(i) Dr. Cecilia Mbinya Mutuku

- a). She holds a Bachelor of Arts degree from Kenyatta University (1987-1990), a Master of Business Administration (MBA-HR) from the University of Nairobi (2000-2004) and a Doctor of Philosophy (Business Administration) from the University of Nairobi (2007-2012). She is also a Certified Company Secretary as well as a certified Human Resource Professional. She has the requisite academic and professional qualifications for appointment to the position of member EACC.
- (a) She has the requisite work experience of over 29 years' in the public service having served from the year 1993 to date, which qualifies her for appointment to the position of member EACC.
- (b) According to records and information in the Committee's custody, she has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
- (c) She exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the EACC.
- (d) In line with the provisions of section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee did not receive any memoranda or written statement on oath from the public contesting the nominee's suitability for appointment to the position.
- (e) The relevant public agencies, KRA, HELB, EACC, ORPP and DCI did not have any adverse reports on the nominee's suitability for appointment to the position.
- (f) The nominee's nomination was in compliance with the Constitution of Kenya, the Ethics and Anti-Corruption Commission Act and the Public Appointments (Parliamentary Approval) Act (Act No.33 of 2011).

(ii) Mr. John Ogallo


- a) He has the requisite academic and professional qualifications to be appointed to the position of member EACC. He holds a Post-Graduate Diploma in Public Finance Management from the University of London (2008-2010); Master of Business Administration from the University of Sheffield(1994-1995); CPA III, Kenya Institute of Administration (1988); CPA II, Strathmore College (1985-1986); CPA I, Kenya Polytechnic (1981-1982).
- (a) He has the requisite work experience for appointment to the position. He has worked as a Senior Accounts Clerk, Kenya Shell Limited (1975-1979); Accountant, Mehta Group Limited (1979-1983); Senior Accountant, Coffee Board of Kenya (1983-1993); Finance Manager, Kenyatta National Hospital (1993-1997), Finance Manager, the British Council (1997); Senior Governance/Finance Management Specialist, The World Bank, Group (1997-2019) and that he currently works as a part-time consultant for The African Development Bank.
- (b) According to records and information availed to the Committee, the nominee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- (c) He exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the EACC.
- (a) In line with the provisions of section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee did not receive any memoranda or written statement on oath from the public contesting the nominee's suitability for appointment to the position.
- (b) The relevant public agencies, KRA, HELB, EACC, ORPP and DCI did not have any adverse reports on the nominee's suitability for appointment to the position.
- (d) The nomination of Mr. John Ogallo was in compliance with the Constitution, the Ethics and Anti-Corruption Commission Act, 2011 and the Public Appointments (Parliamentary Approval) Act (Act No.33 of 2011).

CHAPTER FIVE

5.0 RECOMMENDATION

(53) THAT Pursuant to Article 250(2)(b) of the Constitution, Section 8 (3) of the Public Appointments (Parliamentary Approval) Act, 2011, Section 10 (3) of the Ethics and Anti-Corruption Commission Act, 2011 and National Assembly Standing Order 216 (5) (f), the Committee recommends that **the House approves the nomination of the following persons for appointment by H.E the President as Members of the Ethics and Anti-Corruption Commission (EACC):**

- (a) **Dr. Cecilia Mbinya Mutuku**
- (b) **Mr. John Ogallo**

Signed.....  Date 12/05/2022

HON. CLEMENT MUTURI KIGANO, M.P.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS



ANNEXURE 1

Minutes

MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON 11TH MAY, 2022 AT 2:45 PM IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS.

PRESENT-

1. Hon. Francis Tom Kajwang', MP - Vice Chairperson
2. Hon. John Olago Aluoch, M.P.
3. Hon. Dan Kipkogei Rono, MP
4. Hon. Adan Haji Yussuf, M.P
5. Hon. Jennifer Shamalla, M.P.
6. Hon. Anthony Oluoch, M.P.
7. Hon. George G. Murugara, M.P
8. Hon. Anthony G. Kiai, M.P.
9. Hon. Robert Gichimu Githinji, M.P
10. Hon. Josephine Naisula Lesuuda, M.P.

ABSENT WITH APOLOGIES-

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. Junet Sheikh Nuh Mohamed, M.P
3. Hon. Peter Opondo Kaluma, M.P.
4. Hon. Emmanuel Wangwe, M.P.
5. Hon. William K. Mwamkale, M.P
6. Hon. Zuleikha Hassan, M.P.
7. Hon. Roselinda Soipan Tuya, M.P.
8. Hon. Japheth Mutai, M.P.
9. Hon. John Kiarie Waweru, M.P.

IN ATTENDANCE-

1. Ms. Halima Hussein
2. Mr. Omar Abdirahim
3. Ms. Emma Essendi
4. Mr. Clive Onyancha
5. Ms. Roselyne Njuki

COMMITTEE SECRETARIAT-

- Second Clerk Assistant
- Fiscal Analyst II
- Legal Counsel
- Hansard Reporter III
- Sergeant At Arms

MIN No. JLAC/ 01/2022:-

PRELIMINARIES

The meeting was called to order at 2:45pm with a word of prayer from the Chairperson and the agenda was adopted as filed on a proposal from Hon. John Olago Aluoch and seconded by Hon. Dan Kipkogei Rono.

MIN No. JLAC/ 02/2022:-

**CONSIDERATION AND ADOPTION OF THE
REPORT ON THE APPOINTMENT OF DR.
CECILIA MBINYA MUTUKU & MR. JOHN
OGALLO AS MEMBERS OF EACC**

The Committee considered and unanimously adopted its report on the appointment of Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo as Members of the Ethics and Anti-Corruption Commission (EACC) with the recommendation that the House approves the appointment of the two nominees.

The adoption of the report was proposed by Hon. Anthony Kiai seconded by Hon Dan Kipkogei Rono.

MIN No. JLAC/ 04/2022:

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at 3:30pm and the next meeting shall be held on notice.

Sign.....

Date.....12/05/2022

HON. CLEMENT MUTURI KIGANO, M.P.

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL
AFFAIRS**

MINUTES OF THE 16TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON WEDNESDAY 20TH APRIL, 2022 AT 10:05 AM IN MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS

PRESENT-

- | | | |
|-------------------------------------|---|--------------------|
| 1. Hon. Clement Muturi Kigano, M.P. | - | Chairperson |
| 2. Hon. John Olago Aluoch, M.P. | | |
| 3. Hon. Anthony Oluoch, M.P. | | |
| 4. Hon. George G. Murugara, M.P | | |
| 5. Hon. Dan Kipkogei Rono, MP | | |
| 6. Hon. Jennifer Shamalla, M.P. | | |
| 7. Hon. Adan Haji Yussuf, M.P | | |
| 8. Hon. Zuleikha Hassan, M.P. | | |
| 9. Hon. William K. Mwamkale, M.P | | |

ABSENT WITH APOLOGIES-

- | | | |
|---|---|-------------------------|
| 1. Hon. Francis Tom Kajwang', MP | - | Vice Chairperson |
| 2. Hon. Emmanuel Wangwe, M.P. | | |
| 3. Hon. Junet Sheikh Nuh Mohamed, M.P | | |
| 4. Hon. Peter Opondo Kaluma, M.P. | | |
| 5. Hon. Josephine Naisula Lesuuda, M.P. | | |
| 6. Hon. John Kiarie Waweru, M.P. | | |
| 7. Hon. Robert Gichimu Githinji, M.P | | |
| 8. Hon. Anthony G. Kiai, M.P. | | |
| 9. Hon. Japheth Mutai, M.P. | | |
| 10. Hon. Roselinda Soipan Tuya, M.P. | | |

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

- | | | |
|-----------------------|---|---------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant |
| 2. Ms. Halima Hussein | - | Second Clerk Assistant |
| 3. Mr. Ronald Walala | - | Legal Counsel I |
| 4. Dr. Donald Manyala | - | Research Officer II |
| 5. Mr. Clive Onyancha | - | Hansard Reporter III |
| 6. Mr. Richard Sang | - | Sergeant At Arms |

NOMINEES FOR THE POSITION OF MEMBERS OF EACC

- | | | |
|------------------------------|---|------------------------------|
| 1. Dr. Cecilia Mbinya Mutuku | - | Nominee |
| 2. Mr. John Ogallo | - | Nominee (attended virtually) |

MIN No.JLAC/ 01/2022:-

PRELIMINARIES

The meeting was called to order at 10:05am with a word of prayer from the Chairperson and the agenda was adopted as filed on a proposal from Hon. Hon. Adan Haji Yussuf and seconded by Hon. Dan Rono.

The Chairperson informed the meeting that the main agenda was to conduct approval hearing for the persons nominated for the positions of Members of the Ethics & Anti-Corruption Commission. He further informed the meeting that there was no memoranda received contesting the suitability of the nominees.

MIN No.JLAC/ 02/2022:-

**APPROVAL HEARING FOR THE PERSONS
NOMINATED FOR THE POSITIONS OF
MEMBERS OF EACC.**

Dr. Cecilia Mbinya Mutuku appeared before the Committee physically while Mr. John Ogallo participated virtually. The nominees submitted as follows;

1) Dr. Cecilia Mbinya Mutuku – Nominee for the position of Member of EACC.

- a) On personal background, the nominee stated that she was a 54 years old, a Kenyan citizen born in Makueni County and married with six (6) children.
- b) On Education qualifications, she stated that she was a holder of Masters Degree in Business Administration from the University of Nairobi (2000-2004); a Doctor of Philosophy (Business Administration) from the University of Nairobi (2007-2012); a Bachelor of Arts from Kenyatta University (1987-1990); and that she was a Certified Company Secretary as well as a certified Human Resource Professional.
- c) On Experience and employment record, the nominee stated that she has over 30 years' experience and has worked in various public organization at various capacities from 1993 to date.
- d) Regarding on how she would contribute to the Commission's success, she stated that if approved she would use her professional training and experience to create a lot of awareness on integrity matters amongst Kenyans
- e) The nominee submitted that if approved she would use the position to influence change of behavior among Kenyans through trainings to support integrity matters.
- f) The nominee stated that if appointed she would set up strong structures for effective utilization of resources to promote the need to hold officers accountable.
- g) She informed the meeting that there was a long chain of Criminal Justice System (CJS) in the country and submitted that if approved she would ensure collaboration and partnerships with all relevant sectors to improve and strengthen the system.

2) Mr. John Otieno Ogallo - Nominee for the position of member of EACC

- a) On personal background, the nominee stated he was born in Migori County and was a Kenyan citizen but currently lives in Maryland, Washington DC, USA. He stated that he has been out of the country since the year 2001 on foreign assignments with the last one being at World Bank leading programs on governance and financial management.

- b) The nominee informed the meeting that the he retired from World Bank in October 2019 and that he was in the USA to settle his wife who was a post-graduate student and the main reason for his delay on returning to Kenya was the disruptions caused by COVID-19 and due to some medical checkups scheduled for May 2022.
- c) On whether he was conversant with the local happenings in Kenya considering that he has been out of the country for over 25years, the nominee acknowledged that he has been away physically but not out of communication as he has been following local news and has been visiting Kenya at least three times a year
- d) He submitted that if appointed he would champion for multi-agency approach in the fight against corruption and would also engage with Parliament to tighten the legal framework in view of strengthening the war against corruption.

MIN No.JLAC/ 03/2022:

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at 12:20 pm and the next meeting shall be held on notice.

Sign.....

Date.....

HON. CLEMENT MUTURI KIGANO, M.P.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ANNEXURE 2




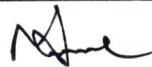




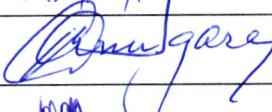



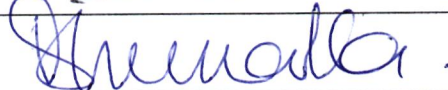



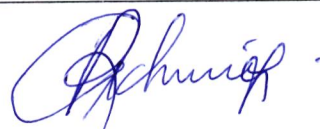
**Signed list of Members who attended
the sitting which considered and
adopted the report**

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION LIST FOR THE REPORT ON THE APPROVAL HEARING FOR THE APPOINTMENT OF DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO AS MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

DATE: WEDNESDAY 11TH MAY, 2022

VENUE: COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS

NO.	NAME	SIGNATURE
1.	Hon. Clement Muturi Kigano, M.P. –Chairperson	
2.	Hon. Francis Tom Kajwang' M.P -Vice-Chairperson	virtually
3.	Hon. Emmanuel Wangwe, M.P.	
4.	Hon. Junet Sheikh Nuh Mohamed, M.P	
5.	Hon. John Olago Aluoch, MP.	
6.	Hon. Peter Opondo Kaluma, MP.	
7.	Hon. Roselinda Soipan Tuya, MP.	
8.	Hon. Mwamkale Kamoti, MP.	
9.	Hon. Zuleikha Hassan, MP.	
10.	Hon. Josephine Naisula Lesuuda, M.P.	virtually
11.	Hon. George Gitonga Murugara, MP.	
12.	Hon. Adan Haji Yussuf, MP.	
13.	Hon. Japheth Kiplangat Mutai, MP.	
14.	Hon. Anthony Githiaka Kiai, MP.	
15.	Hon. Jennifer Shamalla, MP.	
16.	Hon. John Kiarie Waweru, MP.	
17.	Hon. Hon. Dan Rono, MP.	
18.	Hon. Anthony Oluoch, M.P.	
19.	Hon. Robert Gichimu Githinji, M.P	

ANNEXURE 3

**Copy of the Message from H.E the
President forwarding the nominee's
names to the National Assembly for
approval for appointment**



EXECUTIVE OFFICE OF THE PRESIDENT
HEAD OF THE PUBLIC SERVICE

CONFIDENTIAL

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

31st March, 2022
....., 20.....

Ref. No. **OP/CAB.9/178A**
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2/4/2022
04 APR 2022

Hon. Justin B. Muturi, EGH, MP,
Speaker
The National Assembly
Parliament Building
Parliament Road
NAIROBI

Dear

NOMINEES FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

We refer to the above subject matter.

It is notified that **His Excellency the President** has, in accordance with the recommendations of the Public Service Commission, and in exercise of the constitutional prerogative vested in the Head of State and Government, caused nominations to ranks of the membership of the Ethics and Anti-Corruption Commission (EACC).

In that regard, and pursuant to **Article 250(2)(b) of the Constitution**, and in accordance with the procedure set out in **Section 7 (1) of the Ethics and Anti-Corruption Commission Act** (No. 14 of 2011) and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011); kindly be pleased to receive the presidential nominees for the consideration by the National Assembly, namely:

POSITION	STATE NOMINEE
Member	Dr. Cecilia Mbinya Mutuku
	Mr. John Ogallo

To aid the August House in its consideration and approval processes, we have the pleasure to forward herewith the Report of the Public Service Commission, together with the Nominees' Curriculum Vitae and Testimonials.

CONFIDENTIAL

CONFIDENTIAL

We look forward to the consideration of the State Nominees on a priority basis.

Yours

JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

Encl.

Copy to: **Hon. (Dr.) Amos M. Kimunya, EGH, MP** 

Leader of Majority Party
The National Assembly
Parliament Building
Parliament Road
NAIROBI

Mr. Michael Sialai, CBS
Clerk of the National Assembly
The National Assembly
Parliament Building
Parliament Road
NAIROBI

Mr. Njee Muturi, CBS
Deputy Chief of Staff
Executive Office of the President
NAIROBI

Mr. Kennedy W. Kihara, CBS
Principal Administrative Secretary &
Assistant Secretary to the Cabinet
Executive Office of the President
NAIROBI

CONFIDENTIAL



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SIXTH SESSION)
THE NATIONAL ASSEMBLY
MESSAGES

MESSAGE FROM THE PRESIDENT

____ (No.002 of 2022) ____

ON THE NOMINATION OF PERSONS FOR APPOINTMENT TO THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency the President relating to the nomination of persons for appointment to the Ethics and Anti-Corruption Commission (EACC).

Honourable Members, the Message, which was received in my office on 4th April, 2022 conveys in part that, pursuant to the provisions of Article 250 (2)(b) of the Constitution, the procedure set out in sections 7 (1) and 10 of the Ethics and Anti-Corruption Commission Act as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, H.E. the President, has nominated the following persons for appointment to the Office of a Member of the Ethics and Anti-Corruption Commission-

- 1. Dr. Cecilia Mbinya Mutuku; and**
- 2. Mr. John Ogallo.**

Honourable Members, sub-sections 10 (2) and (3) of the Ethics and Anti-Corruption Commission Act (No. 22 of 2011) states as follows -

"10(2)) The President shall, within fourteen days of receipt of the names of successful applicants forwarded under subsection (1)(f), select the person to fill the vacancy in the Commission and forward the name of the person to the National Assembly for approval"

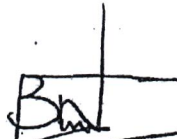
Honourable Members, having received the report of the Public Service Commission on recruitment of persons for appointment as Commissioners, the His Excellency the President has forwarded the two names to fill the existing vacancies. He now seeks the approval of the nominees by this House.

Honourable Members, whereas the Ethics and Anti-Corruption Commission Act (No. 22 of 2011), provide a lesser period within which the House is to consider the respective nominees, section 8 of the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011), requires the National Assembly to undertake the exercise within twenty-eight (28) days.

Subsequently **Honourable Members,** in accordance with the provisions of Standing Order 45, I hereby refer the Message from H.E. the President, together with the *Curriculum Vitae* and other testimonials of the nominees to the Departmental Committee on **Justice and Legal Affairs** for consideration.

The Committee is expected to notify the nominees and the general public of the time and place for holding the approval hearings and thereafter, upon conclusion of the hearings, *table* its report to enable the House to consider the matter within the statutory timelines.

I thank you!



THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, April 05, 2022

ANNEXURE 4

Copy of the Newspaper adverts

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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - SIXTH SESSION

In the Matter of Approval Hearing by the National Assembly's Departmental Committee on Justice and Legal Affairs of the persons nominated for approval for appointment as members of the Ethics and Anti-Corruption Commission (EACC)

NOTIFICATION OF THE GENERAL PUBLIC AND PUBLIC PARTICIPATION

NOTIFICATION TO THE GENERAL PUBLIC

His Excellency the President through a Notification to the Speaker of the National Assembly dated 31st March, 2022 informed the House of the nomination of **Dr. Cecilia Mbinya Mutuku and Mr. John Ogallo** for approval for appointment as members of the Ethics and Anti-Corruption Commission (EACC). The nomination was done in exercise of the powers conferred to His Excellency the President by Sections 4 and 10(2) of the Ethics and Anti-Corruption Commission Act (No. 22 of 2011) as read together with the Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

Commitment

The Hon. Speaker on 5th April, 2022 committed the nominees to the Departmental Committee on Justice and Legal Affairs to conduct hearing on their suitability to hold office in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) and National Assembly Standing Order 45.

Notification of Approval Hearings

Pursuant to the provisions of Article 118(b) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011), the general public is hereby notified that the Departmental Committee on Justice and Legal Affairs shall conduct approval hearings (vetting) of the nominees for appointment as members of the Ethics and Anti-Corruption Commission (EACC) on **Wednesday, 20th April, 2022** in the **Mini-Chamber, County Hall, Parliament Buildings** as follows-

	NOMINEE	DATE	TIME
1.	Dr. Cecilia Mbinya Mutuku	20/4/2022	10.00 a.m.
2.	Mr. John Ogallo	20/4/2022	11.30 a.m.

Nominees are required to appear with originals of their national identity cards, academic and professional certificates and other relevant testimonials. In addition, the nominees are required to obtain and present letters/certificates of compliance from the following institutions:-

- Ethics and Anti-Corruption Commission (EACC);
- Kenya Revenue Authority (KRA);
- Higher Education Loans Board (HELB);
- Directorate of Criminal Investigations; (DCI) and,
- Office of the Registrar of Political Parties (ORPP).

PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

The Committee is required under Article 118 (1) (b) of the Constitution to involve the public in the approval hearings of the nominees. In addition, Section (6) (9) of the Parliamentary Appointments (Parliamentary Approval) Act (No.33 of 2011) provides that "any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the nominee has been nominated".

Now Therefore, in compliance with Article 118 (1) (b) of the Constitution and Section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011), the Committee invites members of the Public to submit any representations they may have on the nominees by way of written statements (affidavits) with supporting evidence on the suitability of nominees for appointment to office.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to clerk@parliament.go.ke; to be received **on or before Friday, 15th April, 2022 at 5.00 pm.**

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

8th April, 2022

Mount Kenya University



BSC. IN MEDICAL LABORATORY SCIENCES
(DIPLOMA-UPGRADING PROGRAMME)
MODE OF DELIVERY - ONLINE

MAY 2022 INTAKE

Mount Kenya University College of Health Sciences, Department of Medical Laboratory Sciences hereby invites holders of Diploma in Medical Laboratory Sciences who wish to upgrade to Bachelor of Science in Medical Laboratory Sciences to apply to join the May 2022 intake.

Course Structure

The Diploma-upgrading program (DUP) is an upgrading competency-based modular curriculum for Students Upgrading from Diploma in Medical Laboratory Sciences to Bachelor of Science in Medical Laboratory Sciences.

MINIMUM ENTRY REQUIREMENTS

- Diploma in Medical Laboratory Sciences or Higher diploma in medical laboratory sciences
- Two Years post KMLTTB Registration
- Current Practicing License
- Working in a Clinical Laboratory in a Health Institution

NB. Applicants who upgraded from Certificate to Diploma level will not be affected by 'two years post KMLTTB registration' requirement.

Course Duration

The programme is designed to take 6 semesters.

Course Delivery Mode:

The upgrading programme will be offered through a blended mode of delivery with **12 weeks online lessons (theory) and 2 weeks face-to-face practical demonstrations and examinations sessions.** The theory lessons will be conducted online from Saturday to Sunday every week within the semester.

Fees Payable

The total chargeable fees per semester is ksh. 72,000.

Applications

Apply to the Registrar, Academic Administration enclosing copies of relevant academic / professional certificates. Application fee of Kshs. 1,000 to be deposited at either; Equity Bank - **0090292435067**, Standard Chartered Bank - **0102049817400**, GT Bank - **2014200002**, Kenya Commercial Bank - **1121032222**, Family Bank - **005000019336**, Co-operative Bank - **01129279981300**, NIC Bank - **21200008796**, or Lipa na Mpesa Pay bill No. **270988**.

Applications can be done online or application forms can be downloaded from University website www.mku.ac.ke or visit any of our campuses/ ODeL centres in Thika, Nairobi, Mombasa, Nakuru, Meru, Parklands Law Campus, Eldoret, Kakamega, Kisumu, Kitale, Kericho, Kisii & Malindi.

For more information and enquiries, kindly contact:

The Registrar, Academic Administration.
Main Campus, P.O Box 342-01000, Thika
Tel: +254 709153 000, +254 20 2878 000

WhatsApp: 0722 999 399

Email: admissions@mku.ac.ke

Website: www.mku.ac.ke



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - SIXTH SESSION

In the Matter of Approval Hearing by the National Assembly's Departmental Committee on Justice and Legal Affairs of the persons nominated for approval for appointment as members of the Ethics and Anti-Corruption Commission (EACC)

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MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

8th April, 2022

"For the Welfare of Society and the just Government of the People"



THE NAIROBI HOSPITAL

INVITATION TO TENDER

The Nairobi Hospital invites sealed tenders from eligible bidders for the works listed below:

TENDER REF NO.	TENDER TITLE
TNH/018/22/Engineering	Proposed Completion of Western Entrance - Main works
TNH/019/22/Engineering	Proposed Completion of Western Entrance - General Electrical Installation
TNH/020/22/Engineering	Proposed Completion of Western Entrance - ICT Installations
TNH/021/22/Engineering	Proposed Integration of Services and Link Corridor for The Nairobi Hospital - Pedestrian Scanning Equipment
TNH/022/22/Engineering	Proposed Completion of Western Entrance - UPS Installations
TNH/024/22/Engineering	Proposed Completion of Western Entrance - Lift Installations
TNH/025/22/Engineering	Proposed Integration of Services and Link Corridor for The Nairobi Hospital - Calorifer Relocation Instruments
TNH/026/22/Engineering	Proposed Completion of Western Entrance - Mechanical Installation
TNH/027/22/Engineering	Proposed Completion of Western Entrance - Plumbing and Drainage
TNH/028/22/Strategy	Prequalification of Professional Services for the Period 2022-2023 Category - Provision of Communication, Marketing and Creative Agency Services.
TNH/029/22/Nursing	Supply, Delivery, Installation, Training, Commissioning and Maintenance of Pediatric Ventilator.
TNH/030/22/Communication	Provision of Telephone Systems and Maintenance Support Service.
TNH/031/22/HR	Provision of Staff Medical Cover

Interested eligible bidders may download tender documents from The Nairobi Hospital website <https://thenairobihosp.org/tender/>

Bidders will be required to pay a non-refundable fee of Kshs.3,000.00 (three thousand) payable via Lipa na Mpesa, Paybill No. 998151 A/C No: Company Name at the Hospital Cashiers desk from 8:30am to 4:30 pm Monday to Friday. A copy of the receipt must be attached to the technical bid submission document.

All bid documents must be submitted not later than **Friday 22nd April, 2022 at 12:00 Hours East African time** clearly marked with the bid title. Late bids will be rejected.

NB: The Nairobi Hospital is not obliged to offer the tender to the lowest or any other bidder or give any reasons thereof.

Healthcare with a difference!



MOI UNIVERSITY

RE-ADVERTISEMENT FOR THE POSITION OF CHANCELLOR

Moi University wishes to declare a vacancy for the position of Chancellor, and calls for nomination of candidates. Moi University is located in Eldoret, 310 kilometres northwest of Nairobi, the Capital City of Kenya. It was established as the second public University in Kenya by an Act of Parliament. The University Act of 1984. The University was given a fresh Charter in 2013 under the Universities Act, No. 42 of 2012 of the Laws of Kenya. The first cohort of 83 students operated three (3) Campuses, and two (2) Satellite Campuses, with a total student and staff population of 25,3695 and 2,615, respectively. The Vision of the University is to be recognized nationally and internationally as the University of Choice in Nurturing Innovation and Talent in Science, Technology and Development. The Mission of the University is to preserve, create and disseminate knowledge; conserve and develop scientific, technological and cultural heritage through quality teaching and research; to create a conducive work and learning environment; and to work with stakeholders for the betterment of society. We are a unique education provider, offering innovative and internationally renowned programmes at both Undergraduate and Postgraduate levels. Moi University is inviting members of the Public Council, Senate and the Alumni Association to nominate suitable persons for the position of Chancellor for a five-year term.

Duties and Functions

- The Chancellor:-
- Shall be the titular head of the University and shall, in the Name of the University, confer degrees and grant diplomas, certificates and other awards of the University.
 - May from time to time recommend to the Cabinet Secretary Responsible for education a visitation of the University.
 - May from time to time give advice to Council which the Chancellor considers necessary for the betterment of the University.
 - Shall enjoy such powers and privileges and perform such other functions as may be provided for in the Charter, Statutes and Regulations.
- Nominees will be subjected to the due selection process as per the Universities Act, No. 42 of 2012, the Moi University Charter and Statutes. A person shall only be appointed as a Chancellor where the person is of high moral character and integrity in accordance with Chapter Six of the Constitution of Kenya, 2010. The submission of nominations, including the contact details (email and mobile number) and profile (including: educational level, leadership role and resource mobilization) of the nominees, should be received on or before **Friday 13th May, 2022**, addressed to the undersigned.

The Vice-Chancellor,
 Moi University,
 P.O. Box 3900-30100,
ELDORET,
 Email: ycmu@mu.ac.ke or vc@mu.ac.ke

OTHER VACANCIES

CHIEF FINANCE OFFICER SCALE 15 (XV) - ONE (1) POST
RE-ADVERTISEMENT UNIVERSITY LIBRARIAN SCALE 15(XV) - ONE (1) POST
LEGAL OFFICER (LITIGATION) SCALE 12(XII) - ONE (1) POST
 Visit www.mu.ac.ke for more information

ANNEXURE 5

**Copies of the curricula vitae of the
nominees**

DR. CECILIA MBINYA MUTUKU

P.O. BOX 76592 - 00508, NAIROBI, KENYA.

CELL 0722 555 884

Email: mutukucm@gmail.com

PROFESSIONAL SUMMARY

Accomplished and focused team leader with a solid history of achievement in Leadership, Human resources and Quality management systems. Passionate about transformation of organizations through process reengineering, culture change and continual improvement. Areas of expertise include leadership and management, human resource management, quality management, Ethics and Governance, organizational and human behavior. Track record of achieving exceptional results with no supervision

Skills

- Proven leadership skills having been a Head of Department for over 15 years (10 in Human Resources and 5 at the National Quality Institute)
- Critical thinker and able to raise and achieve targets, including financial growth
- Prudent management of organizational resources
- Negotiation and problem-solving skills on difficult customers while developing collaborations with partners
- Resilient and able to work under pressure

WORK EXPERIENCE

PERIOD	ORGANISATION/ JOB TITLE
JAN 2016 TO DATE	Head-National Quality Institute (NQI), KEBS
JULY 2008 TO 2015	Head of Human Resources, KEBS

MAY 2005 TO JUNE 2008	KEBS, Human Resource and Administration Manager
2003 TO MAY 2005	Assistant Manager, Human Resources (Acting and later confirmed), TELKOM Kenya
JANUARY 1993-2003	Kenya Post and Telecommunication Corporation (KPTC) and Telkom Kenya- Various officer positions

LECTURER/TRAINER EXPERIENCE

S No.	PROGRAMMES	INSTITUTION
1.	Parttime Lecturer in Masters in Business Administration (MBA), Masters in Management and Leadership (MML), Bachelors degrees	MANAGEMENT UNIVERSITY OF AFRICA (MUA)
2	Trainer in ISO 9001 Quality Management Systems, ISO 30400 Human Resources Management standards, ISO 30401 Knowledge Management, ISO 37001 Anti-bribery Management Systems, ISO 27001 Information Security Management, ISO 31000 Risk Management, ISO 22301 on Business Continuity, ISO 9004 on Managing for sustained success	National Quality Institute (NQI)-KEBS
3	Supervisor -Human Resources Projects for Masters programme	MANAGEMENT UNIVERSITY OF AFRICA (MUA)
4.	Trainers and consultant on the implementation of the Balanced Score Card (BSC), Competence Matrix	KEBS
5	Coach and Mentor of young professionals	Self

ACHIEVEMENTS- HEAD-NATIONAL QUALITY INSTITUTE (NQI), KEBS

1. Initiated a Certifications programme for quality practitioners in Kenya. This is in collaboration with KASNEB. Competency framework already presented and approved by the stakeholders.
2. Introduced the concept of Annual National Quality Conferences. I have facilitated four (4) Annual National Quality conferences and three (3) Annual Auditors Conferences, with the last one held virtually from 22nd -24th September 2020
3. Introduced the 1st Information Security Management Conferences (over 100 participants). The first one, which was in collaboration with the National Cyber Command Centre (NC3) was held at the white Sands Hotel in Mombasa from 22nd to 25th June 2021.
4. Trained the EACC Top Management and Prevention Department Staff in March 2020 on the Anti Bribery Management Systems. Delivered

- the same Training to the National Standards Council (NSC-Board) from 7th to 9th June 2021 and KEBS Staff
5. Organized, coordinated and made presentations on Management System Standards to over 100 CEO in Kenya in a CEOs breakfast held at the Intercontinental Hotel on 16th February 2018 to promote practical application of standards in Kenya
 6. Steadily Increased the Annual income for NQI in Four (4) years prior the effects of Covid-19
 7. Developed online Training Policies and had them approved on the onset of covid-19. The same has helped promote business continuity in institutions.
 8. Introduced and successfully spearheaded the successful launch on 14th June 2019 of the Kenya Quality Award (KQA) for SMES in Kenya by the then CS, Industrialization, Hon Peter Munya. Currently, the concept has been taken up at the East African Level, to which I have contributed to.
 9. Re engineered and expanded the NQI process to align them for growth
 10. Initiated and successfully organized a National Quality Conference at the Whitesands Hotel, Mombasa from 28th to 31st May 2019. The same was facilitated by world renowned Quality Guru, Dr Gregory Watson, an Honorary Member of the American Society for Quality (ASQ)
 11. Initiated collaborations with different organizations to promote standards and drive the quality agenda, among them KIM, MSEA
 12. Published quality articles in the mainstream local daily newspapers (Nation, Standard, Business Daily and Star) and the Benchmark on "Leaders walking the quality talk" to promote implementation of quality systems in organizations. Also Published in the Standard on "Why Product quality matters more today"
 13. Made presentations on Quality, human resources management, culture issues during various conferences
 14. Set up structures and trained over 1000 SMEs on quality systems in the last four years
 15. Expanded the NQI Training scope and introduced new training modules in the last four years, namely, Human Resources standards,

- Anti bribery Management System standards, Education Organization and Security services standards, Business continuity, Risk Management, Integrated Management Systems among others
16. Organized and spearheaded training of 1000 classes/groups on management systems in the last 3 years
 17. Increased the membership of the NQI membership scheme from 150 to 515 in a period of 3 years
 18. Expert Member of KEBS Technical Committees No. 166 on the development of Human Resources Standards and No.154 on Quality Management and Quality Assurance
 19. Member of the task force appointed to develop a National Quality Infrastructure Policy and the review of the Standards Bill in 2018/9
 20. Key advisor in the development of NQI strategies in the Strategic Plans and a Resource Mobilization Strategy for 2017-2022
 21. Key Advisor to the organization and Board on Training Services, Membership Scheme, Quality award Policies, strategies and procedures
 22. Taskforce for Development and Implementation of the National MSE Policy

HEAD OF HUMAN RESOURCES, KEBS

Key Responsibilities as HoD/HR

1. Member of the Executive Management team and adviser on Human Resources activities to the organization and the Board
2. Leading the HR Team which is composed of the following sections; Human Resources Services, Employee Relations, Training and Development, Staff Welfare and Clinical Services
3. Developing, implementing and reviewing Human Resources policies, strategies and procedures
4. Managing the overall Human Resources function for 887 members of staff with a view of achieving the organization's strategy
5. Implementation and review of Performance Management and Performance Contract with the Kenyan Government to enhance productivity and support the organization's strategy
6. Taking lead in ensuring smooth communication with staff at the Head office and in the five Regional Offices

7. Recruitment, induction and deployment of staff based on required competencies
8. Administration of staff benefits and allowances system
9. Coordinating Staff Learning, Development and Career progression
10. Ensuring that discipline matters are handled equitably in accordance with the laid down rules, procedures and Labour Laws.
11. Formulation, management and control of the Human Resource budget.
12. Coordination of Retirements and Pension with the Retirement Scheme
13. In charge of Staff welfare activities which covers the staff Clinic, Staff Canteen, In house gym and sporting activities
14. Supervise the Human Resources Team based both at the Headquarters and the five Regions

Key Achievements

1. Developed (2008), reviewed (2012) and successfully implemented Human Resources policies based on best practices.
2. Developed and successfully implemented Human Resource and Administration Procedures leading to certification of the KEBS in the Management System, ISO: 9001:2008 and later recertification to ISO 9001:2015.
3. Introduced a reward-based Performance Management system based on the Balanced Score Card in 2008 to enhance productivity and achieve organization's strategy
4. Successfully took the organization through a major restructuring of operations and systems in 2008 which resulted to a new Organization structure, grading structure and optimum staffing levels
5. Facilitated development of organization wide new Job Descriptions and successfully implemented the results of a Job Evaluation exercise for the Kenya Bureau of Standards
6. Implemented a new compensation plan for the Organization based on a market survey. The same, which is still being used to date contributed to enhance satisfaction level and attract high calibre staff
7. Developed and spearheaded the implementation of human resources strategies through the Strategic Plan for the year 2007/2012 and 2012/2017
8. Streamlined the Training function by introducing Organization wide Competence matrix for each staff and department. The same is aligned to the Career guidelines, annual budget and the Strategic Plan

and has formed the basis of the identification of Annual Training Needs and Annual Training plan.

9. Influenced a learning culture in the organization where employees continually upgrade their skills to keep pace with changing needs
10. Introduced a competitive Mortgage Scheme in partnership with a Commercial Bank. The same has given a roof and a hope to staff
11. Initiated and facilitated Computerization of HR Processes, thus enhancing operation efficiency
12. Initiated and develop organization wide Career Guideline
13. Developed an Allowances Manual, consolidating all the various allowances for the organization
14. Transitioned the organization from a medical allowance paid through the payslip to reliable Medical Scheme
15. Restructured non-core activities in the organization, including Secretarial services by deploying staff and outsourcing security, gardening, canteen and cleaning services
16. Introduced a mentorship programme for new staff to enable them settle down in the organization with ease
17. Reinforced compliance of prudent financial management by ensuring staff where living within the 1/3 Rule of their salary
18. Introduced robust welfare services including club membership, an inhouse gym, sporting activities, annual staff parties and counselling services with external counsellors for both staff and their dependants
19. Introduced online recruitment system which has enhanced both efficiency and effectiveness
20. Re engineered the registry to ensure security of staff data and information
21. Introduced a succession Plan for senior and critical positions to ensure smooth flow of work and business continuity

EDUCATION- ACADEMIC QUALIFICATION

YEAR	INSTITUTION	COURSE
2012	University of Nairobi	Ph.D in Business Administration (Human Resource and Organization Theory).
2004	University of Nairobi	Master is in Business Administration (Human Resource Specialization)
1990	Kenyatta University	Bachelor of Arts
1986	Lwak Girls High,Siaya	A' Levels- 3 Principals
1984	Precious Blood, Kilungu	O' Levels- Division 1
1980	Sacred Heart, Kyeni, Embu	CPE- 33/36 Points
PROFESSIONAL	INSTITUTION	COURSE
2020	College of Human Resources Management (CHRM)	Certified Human Resource Practitioner (CHRP)
1999	Institute of Certified Secretaries (ICS)	Certified Public Secretary (CPS-K).
2016/17/18/19	SGS, BSI, FICCI	Quality Auditor
2016	American Quality Institute (AQI)	Lean Six Sigma, Yellow Belt
2016	Kenya Institute of Management (KIM)	Lean Six Sigma, Green Belt
2019	International Trade Centre	Basic Quality Professional Certificate

Key Courses undertaken:

1.	Dates	Days	Institution	Course attended
2.	10 th to 14 th August 2020	5	TVET Cdacc	Competence Based Education Training
3.	3 rd to 6 th August 2020	5	Kenya Bureau of Standards (KEBS)	Business Continuity Management Systems (BCMS)
4.	1 st and 2 nd August 2019	2	Kenya Bureau of Standards (KEBS)	Risk Management Systems- ToT
5.	4 th to 8 th Feb 2019	5	British Standards Institute(BSI)	Anti-Bribery Management Systems
6.	7 th to 11 th January 2019	5	British Standards Institute(BSI)	Integrated Management Systems (QMS, ISMS and BCM)
7.	18 th -20 th July 2018	3	SGS	ISMS Auditing
8.	9 th -12 th July 2018	5	SGS	ISMS Implementers
9.	15 th -17 th May 2017	3	Mucmar	Presentation Skills and personal branding
10.	23 RD -24 TH March 2017	2	Kenya Bureau of Standards (KEBS)	Advanced Auditing
11.	23 rd -25 th Nov 2016	3	Kenya Bureau of Standards (KEBS)	Workshop on ISO 9001:2015 For Universities
12.	5 th -9 th September 2016	5	JKUAT	Project Management
13.	11 th -13 th May 2016	3	Kenya Institute of Management (KIM)	Lean Six Sigma Green Belt Training
14.	4 th -5 th May 2016	2	Kenya Institute of Management (KIM)	Organizational Performance Index ((OPI) Assessors' Business Excellenc Programme -Level 3
15.	4 th -8 th April 2016	5	FICCI	QMS Lead Auditor Training Course ((Based on ISO 9001:2015)
16.	25 th March 2016	1	American Quality Institute (AQI)	Lean & Six Sigma Yellow Belt Certification
17.	23 rd -24 th March 2016	2	American Quality Institute (AQI)	Lean & Six Sigma World Conference
18.	21 st -22 nd March 2016	2	American Quality Institute (AQI)AQI	ISO 9000 World Conference
19.	20 th March 2016	1	American Quality Institute (AQI)AQI	ISO 9001:2015 Standard: Implement, Audit and Transition
20.	7 th -11 th December 2015	5	Information Africa Organization	Managing Informational Knowledge and Strategic Learning Workshop
21.	14 TH -15 TH May	2	Management	Executive Certificate in Training of

	2015		University of Africa	Trainers
22.	30 th June-2 nd July 2014	3	PROMAN, SA	Training on Monitoring and Evaluation
23.	25 th - 27 th June 2014	3	PROMAN, SA	Training on project Cycle Management and Logical Framework Approach
24.	16 th -18 th October 2013	3	Kenya Institute of Administration (KIA)	Training of Trainers
25.	8 th -19 th December 2011	10	Galilee Institute, Israel	Human Resources Management
26.	18 th -19 th November 2010	2	Strathmore University	Risk Management
27.	26 th July-8 th August 2010	10	Administrative Staff College of India	Strategic Human Resources Management
28.	24 th August-11 th Sept. 2009	15	ESAMI, SA	Modernizing Human Resources Management and Development
29.	11 th &12 th November 2009	2	Corporate Performance Management	Beyond the Balanced Scorecard Conference
30.	1 st June-12 th June 2009	10	RIPA International, UK	Human Capital Development
31.	19 th -21 st Nov 2008	3	Career Options	Reward Management
32.	April 2008		ILD	Job Evaluation
33.	March 2008		ILD	Balanced Score Card
34.	6 th -8 th September 2006	3	Centre for Corporate Governance	Workshop on Corporate Governance
35.	25 th -29 th Oct. 2004	5	ITU	Strategic Management

PUBLICATIONS

S No.	TITLE	JOURNAL
1.	Top Management Team Diversity, Involvement Culture and Performance of Commercial Banks in Kenya	DBA Africa Management Review, Vol 3, No 2 (2013)
2	The effect of Quality of Decisions of a diverse Top Management Team on the Performance of Commercial Banks in Kenya	Asian Journal of Humanities and Social Sciences (AJHSS) Volume

		1—Issue 3, November 2013
3	Top Management Team Diversity, Diversity Management Strategies and Performance of Commercial Banks in Kenya	DBA Africa Management Review. 2014;4(2):23-31

PERSONAL INFORMATION

Date of Birth: 06-03-1968
Nationality: Kenyan
Marital Status: Married
Religion: Christian

MEMBERSHIPS

S No.	Registration Date	Registration / Certification Body / Institution	Registration Number
1.	2017	American Society for Quality (ASQ)	65591128
2.	2003	Institute of Human Resources Management of Kenya (IHRM)	00731
3.	2001	Institute of Certified Secretaries (ICS)	1385
4.	2016	National Quality Institute (NQI)	155
5.	2008	Kenya Institute of Management (KIM)	32365
6.	2008-2019	Board Member, Mbooni Girls Secondary School	
7.	2018 to date	Member and Leader of the Women Ministry, CITAM, Karen	

REFERENCES

1. Anne R. Gitau, Commission Secretary/CEO, Salaries and Remuneration Commission, P.O.Box 43126-00100, Nairobi Tel 0722 797023
2. Dr Joyce Mutinda, Chairperson, National Gender Equality Commission, P.O.Box 27512-00506, Nairobi Tel 0722 812550
3. Dr Nicholas Letting, CEO, Kasneb, P.O.Box 41362-00100, Nairobi Tel 0722 284133

RESUME: JOHN OGALLO

9808 Campbell Drive, Kensington, MD 20895, USA • +1(202) 294-8748 jhnogallo@gmail.com

SUMMARY OF PROFESSIONAL PROFILE

Public Financial Management and Governance Expert with cutting edge leadership and managerial skills and international experience. Specific competencies include:

- Experience supporting public institutions to implement interventions to manage risks and performance through robust internal controls and strong public financial management;
- Experience supporting implementation of principles of good governance in the public sector – integrity, commitment to ethical values and respect for the rule of law;
- Experience conducting policy dialogue, and advising senior officials and technical staff in government ministries and other public institutions, and leading PFM system reforms;
- Familiarity with the various dimensions of the Public Financial Management (PFM) system, including budget formulation and execution, treasury systems, cash management, internal controls, internal audit, accounting and reporting, external scrutiny and audit;
- Expert knowledge of International Public Sector Accounting Standards (IPSAS), International Financial Reporting Standards (IFRS), International Standards on Audit (ISA), International Standards of Supreme Audit Institutions (ISSAI);
- Experience and expertise designing and implementing financial management systems for international donor funded projects;
- Strong leadership skills with demonstrated ability to build and lead teams to deliver high quality results;
- Practical experience in developing, organizing and delivering training, and transferring knowledge and building capacity;
- Experience coordinating and implementing good practices in transparency, reporting and audit systems to deliver effective accountability in public sector entities;
- Strong team player with good interpersonal skills, working effectively in multi-disciplinary teams;
- Diplomatic, with ability to deal sensitively in multi-cultural environment, and with gender issues;
- Client centered with high sense of integrity and accountability for quality results;
- Ability to communicate effectively and persuasively, at technical and managerial levels;
- Professionally accredited accountant (CPA) with a master's degree in Business Administration (MBA) and postgraduate diploma in Public Financial Management (PFM), with advanced training in public policy and decentralization and local governance .

9

RESUME: JOHN OGALLO

9808 Campbell Drive, Kensington, MD 20895, USA • +1(202) 294-8748 jhnogallo@gmail.com

WORK EXPERIENCE

AFRICAN DEVELOPMENT BANK

November – December 2020

November – December 2021

Consultant (Home-based)

Quality Assurance/Peer Review of the 2020 and 2021 Country Policy and Institutional Assessment (CPIA) of 54 countries in Africa, focusing on CPIA 16 – Quality of Public Administration [Policy Coordination and Responsiveness; Service Delivery and Operational Efficiency; Merit & Ethics in Public Service; Pay Adequacy and Management of the Wage Bill]. The objective of the review was to ensure that qualitative analyses provided adequate justification for the scores; making adjustments as needed. The review also involved identifying flagship policy and institutional reforms implemented by the member countries since the last assessment; and providing brief comments, observations and recommendations for future reform interventions for the Bank, based on research and literature review undertaken as part of the review.

THE WORLD BANK GROUP - SOUTH ASIA REGION (SAR)

Senior Governance Specialist, Washington DC

July 2018 – October 2019

PFM Advisory Support and Analytics: Task Team Leader of PFM diagnostic work in Pakistan - overall team leadership of the PEFA assessments at the Federal level and sub-national level; Co-Task Team Leader of the Pakistan PFM and Accountability Project to improve public financial management and procurement systems for better management and accountability in service delivery for the health and education sectors; quality assurance of key diagnostic instruments through timely reviews and feedback to task teams and management, to ensure high quality of the write-ups and compliance with guidelines; worked collaboratively with colleagues to provide advice to client countries on PFM reforms and institutional development, taking the lead in FM harmonization agenda, focusing on use of country systems in investment operations (projects/programs). Also supported the development of Corporate Governance tool for the Pakistan Security and Exchange Commission.

Fiduciary Quality Assurance and Risk Management: As Financial Management Coordinator for Afghanistan and Pakistan was responsible for ensuring fiduciary quality assurance in investment operations to improve the technical quality of the financial management services provided in client countries; led periodic monitoring of FM risk and performance, including audit compliance, and recording and tracking resolution of issues arising from review of audit reports; providing regular updates on audit compliance; led periodic monitoring of high risk projects to ensure that risks are identified and appropriate mitigation measures are implemented, and issues are resolved in a timely manner.

Implementation Support to Operations: Provided implementation support to investment operations, during preparation and implementation, monitoring the continuing efficacy of financial management and governance arrangements and compliance with legal covenants in financing

UN

RESUME: JOHN OGALLO

9808 Campbell Drive, Kensington, MD 20895, USA • +1(202) 294-8748 jhnogallo@gmail.com

agreements, providing advice and support on a continuous basis to task teams, as necessary; provided capacity building assistance and training to borrowers and implementing agencies in designing appropriate FM arrangements for new operations based on country circumstances as well as project context, complexity and risks, ensuring readiness for implementation of FM aspects that ensure transparency, accountability and sound fiduciary arrangements.

THE WORLD BANK GROUP – OPERATIONS POLICY & COUNTRY SERVICES (OPCS)

Senior Financial Management Specialist, Washington DC

September 2013 – June 2018

- **Support to Operations Teams:** Corporate Review of documents prepared by Country Teams for review during project/program preparation, to ensure compliance with policy; and that key FM risk and performance issues are given adequate attention to enhance the quality of decision making, strategy development, quality of program management, and overall improvement of risk management. Also, lead reviewer of Country Policy and Institutional Assessments (CPIA), focusing on Quality of Budgetary and Financial Management;
- **Support to FM in Operations:** Operational support to FM in Operations through use of technology to enhance the effectiveness of the financial management function – process, monitoring and reporting; reviewing, updating and developing new FM guidelines and guidance notes to support strong financial management systems;
- **Leadership** in developing the fiduciary risk management framework, including instructions, providing training to operational staff on the integrated fiduciary risk model;
- **Global Partnerships:** Secretariat support to global partnerships, particularly the Multi-lateral Development Banks (MDB), with focus on Development Effectiveness agenda; and supporting the development of partnerships and collaborative working arrangements with other groups and networks within and outside the World Bank Group. Also participated in the PEFA Steering Committee activities as Alternate Member;
- **Fiduciary Assurance – Audit Compliance:** Leadership in periodic monitoring of FM risk and performance, including audit compliance and recording and tracking resolution of issues arising from review of audit reports, and publication of audited financial statements; providing regular updates to management on audit compliance, including audit exceptions, and compliance with Bank policy on access to information; taking the lead in developing strategy to streamline and update systems and tools to support integrated fiduciary risk management and performance;
- **FM System Modernization.** Led a Working Group on FM Modernization, leveraging technology to support financial management in operations, through system enhancement and integration; streamlined and simplified business processes, including integrated fiduciary risk, monitoring and processing of audited financial statements and interim financial reports, and recording, reporting on and monitoring the use of country FM systems; also led the development of a client facing portal to enable client online submission of audit reports and other financial reports required to monitor fiduciary compliance;
- **Knowledge Sharing:** Lead Trainer for FM issues in Development Policy Operations (Budget Support); Project FM Systems, and CPIA (CPIA 13 – Quality of Budgetary and Financial Management).

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THE WORLD BANK – EUROPE & CENTRAL ASIA (ECA) REGION

Senior Financial Management Specialist, Washington DC

July 2006 – August 2013

- **Capacity Building & Technical Assistance:** Task managed several capacity building and technical assistance projects, focusing on strengthening capacity of public sector audit, both internal and external audit, and accounting & reporting reforms;
- **PFM Reform:** Worked collaboratively with other development partners to provide advice to client countries, particularly on accounting and audit, with focus on reforms, institutional development, and good governance practices;
- **Advisory Services and Analytics:** Task team leadership of various analytical work, including Country Integrated Fiduciary Assessment (CIFA), Public Expenditure and Financial Accountability (PEFA), Institutional Fiduciary Assessments in the Health and Education Sectors;
- **FM Team Leadership:** Provided overall FM oversight and leadership that helped to shape strategic direction of FM work in Central Asia through preparation and monitoring of Country FM Strategies, with accountability to the regional leadership for their implementation;
- Responsibility for providing FM input to country-level tasks, such as Country Partnership Framework (CPF), Development Policy Operations (DPO) and Country Policy and Institutional Assessment (CPIA);
- As team leader of the Central Asia FM team, provided technical oversight, coaching and mentoring of less senior staff, and engaged and managed consultants to support the work program in the region;
- **Portfolio Reviews and Monitoring:** As a core member of Country Teams, I participated in the country portfolio performance reviews for the four countries in Central Asia – Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan; coordinating all the FM related input to portfolio reviews and public expenditure reviews; and contributed to development of action plans to address portfolio related issues, and actively participated in the follow up actions;
- **Donor Coordination:** Actively participated in donor coordination activities being the main focal point for FM related issues in programs/projects supported by various development partners, taking the lead in resolving fiduciary and sector-specific FM and governance issues in multi-donor supported operations.

THE WORLD BANK - EUROPE & CENTRAL ASIA (ECA) REGION

Financial Management Specialist, Bishkek, Kyrgyz Republic

April 2003 – June 2006

Country Level FM Tasks: PFM and Fiduciary responsibility – was the FM focal point for the multi-donor funded health reform program, and helped establish internal audit function in the health sector that became a template for establishment of internal audit service in the whole of the public sector; and supported automation of accounting and reporting in the health sector – tertiary and primary healthcare facilities; Supported preparation and implementation of the Kyrgyz PFM Multi-Donor Trust Fund, and helped develop legal framework for internal audit.

Project Level FM Tasks: FM team leadership of Central Asia (2 countries). In particular: provided technical leadership for FM work, and took the lead for FM work in high visibility, complex and

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high-risk projects; provided regular FM implementation support to ensure that the financial management arrangements complied with Bank requirements, providing hands on training and support;

Financial Management quality assurance with overall responsibility for ensuring high quality of financial management support in Bank-funded development projects, and compliance with World Bank's operational policies, procedures and fiduciary requirements.

Capacity building: Training of project financial management staff through targeted training workshops at country and regional level, as part of the program to develop capacity in project implementing agencies.

THE WORLD BANK – AFRICA (AFR) REGION

Financial Management Specialist, Nairobi, Kenya

October 1997 – March 2003

- Primary responsibility for fiduciary compliance in operations and capacity building, primarily in Kenya, but with cross-support assignments, including assignment in Eritrea, Ghana and Mozambique (Africa), and Lithuania, Armenia, Georgia and Moldova (Europe and Central Asia).
- Led a Change Management Team in the Kenya Country Office that considered ways to improve the Country Office's internal processes and its relations with the government and other stakeholders; and made positive recommendations that resulted in improvements in the administrative and operational functions, and client engagement.
- Co-led a team that helped the Ministry of Finance to streamline payment processes, resulting into issuance of financial regulations that streamlined payment processing thus helping to speed up disbursements in World Bank financed projects.

THE BRITISH COUNCIL

Finance and Administration Manager, Nairobi, Kenya

July 1997 – September 1997

Head of the Finance and Administration Department with responsibility for:

- Financial management, including accounting and reporting
- Procurement of goods and services
- Administrative functions and security issues

KENYATTA NATIONAL HOSPITAL

Finance Manager, Nairobi, Kenya

May 1993 – June 1997

Head of the Finance Department, and overall in-charge of the finance and accounting functions, with specific responsibilities for:

- Financial Planning and Control, Accounting and Reporting, and Treasury Management;
- Formulation and implementation of accounting and financial management policies; budgeting and budgetary control;
- Control of revenue collection procedures and reviewing/revising related policies, systems and procedures;

RESUME: JOHN OGALLO

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- Development and implementation of systems of accounting and internal control;
- Provision of management reports for decision making; overseeing preparation of accounts for audit, and presentation of audited financial statements to the Board of Management and to the Government;
- Secretary to the Finance Committee of the Board, periodically preparing Board papers on finance and accounting matters;
- Liaison with external parties, – commercial banks, auditors; donor agencies, and government ministries;
- Contribution to the Ministry of Health (MOH) budgetary process, including defending the Hospital's component of the MOH budget during budget hearings in the Ministry of Finance;
- Human Resource Management at Departmental level - Staff Recruitment, Training and Development.

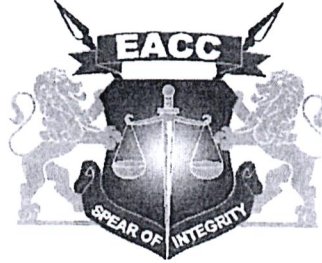
[Prior to this I worked for several years in Kenya, in both the private and public sectors at various levels of responsibility]

EDUCATION & CERTIFICATION

UNIVERSITY OF LONDON, SOAS, UK Post Graduate Diploma, Public Financial Management	2010
UNIVERSITY OF SHEFFIELD, UK Master of Business Administration (MBA)	1996
CERTIFIED PUBLIC ACCOUNTANT (CPA)	1988
UNIVERSITY OF LONDON, SOAS, UK Individual Professional Accreditation [Public Sector Financial Reporting (IPSAS), Decentralization and Local Governance, Public Policy and Management – Perspectives & Issues]	

ANNEXURE 6

**Copies of clearance certificates from
relevant Government Agencies**



ETHICS AND ANTI-CORRUPTION COMMISSION
INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
FAX: 254 (020) 2240954 EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL XIX (205)

14th April 2022

The Clerk of the National Assembly

Clerk's Chambers

Parliament Buildings

P O Box 41842 - 00100

NAIROBI

(Attn: Jeremiah W. Ndombi, MBS)

RE: VETTING OF DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO FOR APPROVAL FOR APPOINTMENT AS MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Your letter referenced NA/DCS/JLAC/2022/22 dated 8th April 2022 on the above subject matter refers.

Please note that the Commission has not undertaken any investigations pursuant to its mandate against the under listed nor has it recommended prosecution of any of them.

S/No	Nominee	ID Number
1.	Dr. Cecilia Mbinya Mutuku	22662724
2.	John Otieno Ogallo	4834268

The information provided herein is based on records available as of **14th April 2022**.

CPA John Lolkoloi, OGW

FOR: SECRETARY/CHIEF EXECUTIVE OFFICER

LCK/rk



KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

KRA/5/1002/5(7467)

19th April 2022

Mr. Michael Sialai, EBS
Clerk of the National Assembly
P. O. Box 41842 - 00100
Parliament Buildings
Nairobi

Dear

Mr. Sialai, EBS

VETTING OF DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO FOR APPROVAL FOR APPOINTMENT AS MEMBERS OF THE ETHICS AND ANTI CORRUPTION COMMISSION (EACC) BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

We refer to your letter Ref: NA/DCS/JLAC/2022/25 dated 8th April 2022 requesting Kenya Revenue Authority for the tax status report of the above candidates.

The compliance status of the candidates is as follows:

No.	Name	ID No.	PIN	Status
1	Dr. Cecilia Mbinya Mutuku	22662724	A001872557D	Compliant
2	Mr. John Ogallo	7456620	A00091252Z	Non-Compliant

Yours sincerely,

Sincerely
P. M. Matuku

CS P. M. Matuku, EBS

AG. COMMISSIONER GENERAL

Tulipe Ushuru Tujitegemee!



REPUBLIC OF KENYA

Telephone: +254(0)204022000

Mobile: 0772281357

Email: info@orpp.or.ke

Website: www.orpp.or.ke

When replying please quote



Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Ref: RPP/ORG/34 Vol. V (51)

Date: 12th April, 2022

Clerk of the National Assembly
Clerks Chambers, National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

Dear Sir,

RE: VETTING OF DR. CECILIA MBINYA MUTUKU AND MR. JOHN OGALLO FOR APPROVAL FOR APPOINTMENT AS MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to letter Ref. NA/DCS/JLAC/2021/26 dated 8th April, 2022 on the above subject matter.

According to the records held by this Office as at 8th April, 2022, the list of the nominees tabulated herein are not members of governing body nor officials of any registered political party.

S/No.	Nominee	National ID No.	KRA PIN
1.	Dr. Cecilia Mbinya Mutuku	22662724	A001872557D
2.	Mr. John Ogallo	4834268	A00091252Z

Yours faithfully,

Ann N. Nderitu, MBS
Registrar of Political Parties

13 APR 2022

NATIONAL ASSEMBLY
RECEIVED
13 APR 2022
DEPUTY CLERK
P. O. Box 41842 - 00100 NAIROBI
@ORPPKenya

www.orpp.or.ke





HIGHER EDUCATION LOANS BOARD

Tel: 0711052000
E-mail: contactcentre@helb.co.ke
Website: www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/169

Mr. Micheal R. Silai
Clerk Of the National Assembly
Parliament Buildings
P.O BOX 41842-00100
NAIROBI



Dear 

14/2

VETTING OF DR. CECILIA MBINYA MUTUKU AND MR. MR. JOHN OGALLO FOR APPROVAL FOR APPOINTMENT AS MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

We acknowledge with thanks receipt of your letter referenced *NA/DCS/JLAC/2022/24*, dated 8th April 2022, requesting the Higher Education Loans Board to provide a report on repayment of HELB loans that may have been advanced to following candidates for the purpose of vetting.


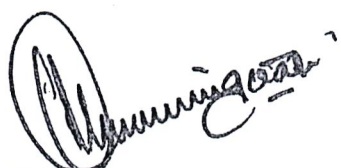
Please find a list confirming their loan status with HELB.

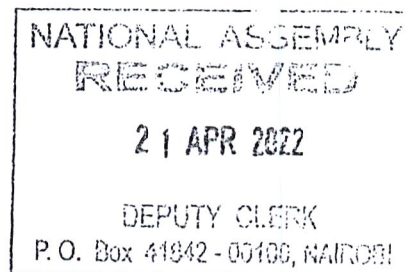
S/N	NAME	ID NO.	STATUS	YEAR OF CLEARANCE
1.	Dr. Cecilia Mbinya Mutuku	22662724	Cleared, Cert No.28282	30 th June 2011
2.	Mr. John Ogallo	4834268	Not a Beneficiary	N/A

We kindly urge you to continue encouraging applicants to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter Six of the Constitution of Kenya.

We want to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB finance needy Kenyans pursuing higher education now and in the future.

Yours



CHARLES M. RINGERA
CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified.



ANNEXURE 7

Copies of filled Questionnaires

SCHEDULE
[Section 6(8).]

**CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT QUESTIONNAIRE**

Notes:

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

1. **Name: CECILIA MBINYA MUTUKU**
2. **Position: MEMBER OF THE ETHICS AND ANTI-CORRUPTION COMMISSION**
3. **Sex: FEMALE**
4. **Date of Birth: 6th MARCH 1968 IN MAKUENI**
5. **Marital Status: MARRIED**
6. **Daytime phone number: 0722 555884**
7. **Mobile phone number: 0722 555884**
8. **Email Address: mutukucm@gmail.com**
9. **ID Number: 22662724**
10. **PIN Number: A001872557D**
11. **Nationality: KENYAN**

12. Postal Address: P.O.BOX 76592,00508, NAIROBI

13. Town/City: NAIROBI

14. Knowledge of Languages: KAMBA, ENGLISH, KISWAHILI

15. **Education:** (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

INSTITUTION	PERIOD	AWARD	DATE
College of Human Resource Management (CHRM)	2019-2020	Certified Human Resource Professional (CHRP)	(November 2019)
University of Nairobi (UON)	2007-2012	Doctor of Philosophy (in Business Administration)	7 th December 2012
University of Nairobi (UON)	2000-2004	Master of Business Administration (MBA-HR)	7 th May 2004
VARIOUS	1997-1999	Certified Company Secretary (CPS-K)	June 1999
Kenyatta University (KU)	1987-1990	Bachelor of Arts	21 st August 1990

Employment Record: (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant)

ORGANIZATION	POSITION	PERIOD
Kenya Bureau of Standards	Head- National Quality Institute	2016 to date
Kenya Bureau of Standards	Head- Human Resources	2005-2015
Telkom Kenya	Assistant Manager	2013-2015
Kenya Posts and Telecommunication	Various Officer positions	1993-2013

16. **Honours and Awards:** (List any scholarships, fellowships, honorary degrees, academic or professional honours, honorary society memberships, military awards and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award). NONE

17. **Professional Association** (where applicable): (List all professional associations of which you are or have a member and give any positions held and the respective dates when each such position was held). As below in No 18

18. **Memberships:** (List all professional, business, fraternal, scholarly, civic, charitable or other organizations, (other than those listed in response to Question 16) to which you belong or have belonged).

MEMBERSHIPS

S No.	Registration Date	Registration / Certification Body / Institution	Registration Number
1.	2017	American Society for Quality (ASQ)	65591128
2.	2003	Institute of Human Resources Management of Kenya (IHRM)	00731
3.	2001	Institute of Certifies Secretaries (ICS)	1385
4.	2016	National Quality Institute (NQI)	155
5.	2008	Kenya Institute of Management (KIM)	32365
6.	2008-2019	Board Member, Mbooni Girls Secondary School	
7.	2018 to date	Member and Leader of the Women Ministry, CITAM, Karen	

19. **Published Writings:**

- (a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

S No.	TITLE	JOURNAL
1.	Top Management Team Diversity, Involvement Culture and Performance of Commercial Banks in Kenya	DBA Africa Management Review, Vol 3, No 2 (2013)
2.	The effect of Quality of Decisions of a diverse Top Management Team on the Performance of Commercial Banks in Kenya	Asian Journal of Humanities and Social Sciences (AJHSS) Volume 1—Issue 3, November 2013
3.	Top Management Team Diversity, Diversity Management Strategies and Performance of Commercial Banks in Kenya	DBA Africa Management Review. 2014;4(2):23-31
4.	Effect of age and culture diversity for the performance of Quality Control organizations in Nairobi, Kenya	Stratford Journal of Strategic Management Vol 1 No 2 (2017)
5.	Need for Leaders to Walk the Quality talk	The Benchmark, 2018, Page 16 The official Magazine of the Kenya Bureau of Standards

- b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member.

Made PowerPoint presentation during Quality Practitioners conferences and Auditors Forums

20. Public Office, Political Activities and Affiliations:

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

POSITION	TERMS	STATUS
Head- National Quality Institute	Permanent and Pensionable	Appointed
Head- Human Resources	Permanent and Pensionable	Appointed

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present. NONE

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution? NO

(d) Have you ever been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties? NO

21. **Deferred Income/Future Benefits:** (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc). NONE

22. **Outside commitment during service in office:** (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

This is a Part time job and plan to continue with my current work depending on the amount of workload, together with the small family businesses both for leisure and income during part time

23. **Sources of Income:** (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

Gross one year salary	6,399,284
3 months gross salary	1,599,821
Appr. Gross two-year dividends from Ubora Sacco	359,822

24. **Tax Status:** (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment). YES

25. **Statement of Net Worth:** (State your financial net worth).

Approximated at 60 million

26. Potential Conflicts of Interest:

(a) Identify the family members or other persons, parties, categories obligation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise. NONE

(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern N/A

27. Pro-Bono/Charity Work/Donations to charity: (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed, and the amount of time devoted to each). NONE

28. Have you ever been charged in a court or law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded. NO

29. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years? NONE

30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination? NONE

31. References: (List three persons who are not your relatives who are familiar with your character, qualification and work).

1. Anne R. Gitau, Commission Secretary/CEO, Salaries and Remuneration Commission, P.O.Box 43126-00100, Nairobi Tel 0722 797023

2. Dr Joyce Mutinda, Chairperson, National Gender Equality Commission, P.O.Box 27512-00506, Nairobi Tel 0722 812550

3. Dr Nicholas Letting, CEO, Kasneb, P.O.Box 41362-00100, Nairobi Tel 0722 284133

No. 33 of 2011 [Rev. 2012]

Public Appointments (Parliamentary Approval)

[Issue 1] 10

No. 33 of 2011 [Rev. 2012]

Public Appointments (Parliamentary Approval)

[Issue 1] 8

SCHEDULE

[Section 6(8).]

**CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT QUESTIONNAIRE**

Notes:

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

1. **Name:** (State full name) **John Otieno Ogallo**

2. **Position:** (State office to which you have been nominated).

Member, Ethics and Anti-Corruption Commission

3. **SexMale**

4. **Date of Birth:** (State year and place of birth) **1956 – Suna, Migori**

5. **Marital Status: Married**

6. **Daytime phone number: +1(301)328-0044**

7. **Mobile phone number: +254-722529296**

8. **Email Address: jhnogallo@gmail.com**

9. **ID Number: 4834268**



10. PIN Number: A000091252Z

11. Nationality: Kenyan

12. Postal Address: P.O. Box 53535-00200

13. Town/City: Nairobi

14. Knowledge of Languages: (Specify Languages): English, Luo, Kiswahili, Russian (Novice)

15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

Institution	Dates	Academic Award Obtained	Degree/Diploma	Date Awarded
University of London	2008 - 2010	Post Graduate Diploma in Public Finance Management	Post Graduate Diploma	December 2010
University of Sheffield	1994 - 1995	Master of Business Administration (MBA)	Degree - MBA	June 1996
Kenya Institute of Administration (KIA)	Jan - Dec 1988	CPA Part III	Certificate CPA III	December 1988
Strathmore College	1985 - 1986	CPA Part II	Certificate CPA II	June 1986
Kenya Polytechnic	1981 - 1982	CPA Part I	Certificate CPA I	June 1982
Maseno National School	1971 - 1974	EACE Division 1	Certificate	December 1974
Abwao Primary School	1963 - 1970	CPE 34 Points	Certificate CPE	December 1970

Employment Record: (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant)

Name of Employer/Organization	Dates	Position
African Development Bank	Current	Consultant (Part-time)
The World Bank Group	October 1997 - October 2019	Sr. Governance/FM Specialist
The British Council	July - October 1997	Finance Manager
Kenyatta National Hospital	May 1993 - June 1997	Finance Manager
Coffee Board of Kenya	June 1983 - April 1993	Senior Accountant
Mehta Group Limited	September 1979 - May 1983	Accountant
Kenya Shell Limited	December 1975 - August 1979	Senior Accounts Clerk

16. **Honors and Awards:** (List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award).

.....
..... **NONE**

17. **Professional Association** (where applicable): (List all professional associations of which you are or have been a member and give any positions held and the respective dates when each such position was held).

.....
..... **NONE**

18. **Memberships:** (List all professional, business, fraternal, scholarly, civic, charitable or other organizations, (other than those listed in response to Question 16) to which you belong or have belonged).

.....
Institute of Certified Public Accountants of Kenya (ICPAK)
.....

19. **Published Writings:**

(a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

.....
None, other than reports written as part of my work at the World Bank, most of which are not public documents.
.....

(b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member.

20. **Public Office, Political Activities and Affiliations:**

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

.....
..... **NONE**

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present.

.....
..... **NONE**

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution?

.....
..... **NO**

(d) Have you ever been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties?

.....
..... **NO**

21. **Deferred Income/Future Benefits:** (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc.).

.....
..... **NONE**

22. **Outside commitment during service in office:** (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

.....
As a professional accountant I may be able to offer professional accountancy related services that do not conflict with my membership of the EACC, and as long as such engagement is legally permissible and do not border on conflict of interest.

23. **Sources of Income:** (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

.....
2021:

Pension from the World Bank – US\$38,211.12
Interest on Fixed Term Deposit – KES4,137,117.00
Rental Income – KES 3,000,000.00
Consultancy Services – EURO3,000

2022:

Pension from the World Bank – US\$9,634.77
Interest on Fixed Term Deposit – KES1,010,547.95
Rental Income – KES791,250.00



24. Tax Status: (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment).

.....
During the calendar year ended December 31 2021 I filed monthly rental income tax returns, by way of self-assessment, and made monthly payments. However, there were some arrears that I have been reducing through monthly payments. Part of the amount that may be shown s arrears by the KRA is in respect of misfiling that occurred in August 2020, but which has not been corrected in the system. Also, I have been in communication with the Kenya Revenue Authority (KRA) regarding whether employment income received from the World Bank is subject to taxation given that the said income was paid NET OF TAX. These communications precede my nomination to the EACC; and the matter remains unresolved.

.....
25. Statement of Net Worth: (State you financial net worth).

.....
My current financial net worth is approximately KES 143,850,000/ (KES One Hundred and Forty Three Million Eight Hundred and Fifty Thousand), made up of KES 148,500,000 in Assets and KES 4,650,000 in Liabilities.

.....
26. Potential Conflicts of Interest:

(a) Identify the family members or other persons, parties, categories obligation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

.....
I currently do not have any persons, parties, categories of obligations or financial arrangements that are likely to present potential conflict of interest when I first assume the position to which I have been nominated.

.....
(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern

.....
Conflict of interest is corruption, and as a Member of the EACC, a body charged with the responsibility of fighting corruption, it will be my obligation to identify and disclose any instances of potential conflict of interest, and take appropriate remedial action. Each case may be different, and may require different action, but in case of a potential conflict of interest I will make sure that I disclose it to the other members of the EACC. Once disclosed I will remove myself from any deliberations and/or decisions related to the matter giving rise to the conflict of interest. Also, to avoid any potential conflict of interest I will endeavor to comply with Conflict of Interest Policy of the EACC, and any relevant laws.



27. **Pro-Bono/Charity Work/Donations to charity:** (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

.....
As a member of the leadership team in my Church I have, over the years, been involved in providing financial and material support by way contributing to outreach missions, construction of places of worship and financial support to pastors and other ministers of the gospel. I have also contributed to construction of classrooms in my local school, as well as teachers' welfare programs aimed at improving standard of learning.
.....

28. Have you ever been charged in a court or law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded.

.....
.....
NO.....
.....

29. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years?

.....
.....
NO.....
.....

30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

.....
.....
NO.....
.....

31. **References:** (List three persons who are not your relatives who are familiar with your character, qualification and work).

.....
Dr. Benson Ateng – bensonateng@gmail.com (Former Country Manager, World Bank Group)
.....

.....
Mr. Ahmadou Moustapha Ndiaye – andiaye@worldbank.org (Director of Strategy and Operations, World Bank Group)
.....

.....
Mr. Roberto Tarallo – ratarallo@worldbank.org (Manager, Operations, World Bank Group)
.....

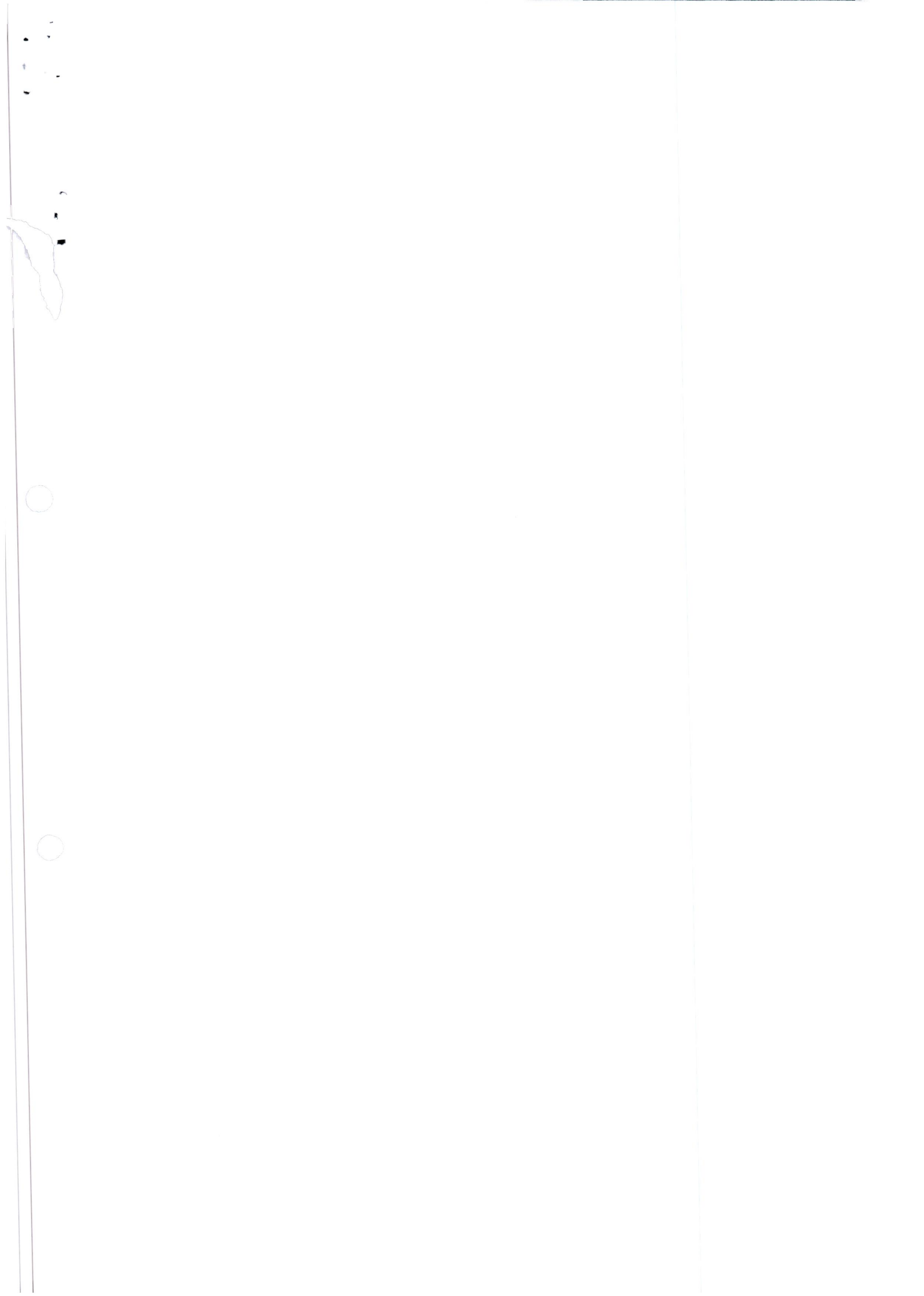


ANNEXURE 8

**Letter from World Bank confirming
Mr. John Ogallo's employment**

ANNEXURE 9

**Letter from KRA confirming Mr.
John Ogallo's tax compliance status**



The World Bank Group

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION
INTERNATIONAL FINANCE CORPORATION

1818 H Street N.W.
Washington, D.C. 20433
U.S.A.

(202) 473-1000
Cable Address: INTBAFRAD
Cable Address: INDEVAS

May 9, 2022

To Whom It May Concern:

This is to certify that Mr. John Otieno Ogallo was appointed to the staff of International Bank For Reconstruction and Development (IBRD) from October 6, 1997 to November 1, 2019. In accordance with Article VI, Section 19, Paragraph (b) of the Convention on the Privileges and Immunities of the Specialized Agencies with respect to the IBRD, Mr. John Otieno Ogallo, as an official of the IBRD, should "Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as enjoyed by officials of the United Nations." The IBRD considers all appointees to its staff as "officials" for purposes of the Convention noted above.

The Government of Kenya became a party to the Convention with respect to the IBRD on July 1, 1965. Mr. John Otieno Ogallo should therefore not be taxed by the Government of Kenya in respect of his IBRD emoluments.

Sincerely,



Eung Jo Yim
Accounting Officer
The World Bank Group



**KENYA REVENUE
AUTHORITY**

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

KRA/5/1002/5(7533)

12th May 2022

Mr. Michael Sialai, EBS
Clerk of the National Assembly
P. O. Box 41842-00100
Parliament Buildings
Nairobi

Dear

**VETTING OF MR. JOHN OGALLO FOR APPROVAL FOR APPOINTMENT AS
MEMBER OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) BY
THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

We refer to our letter Ref: KRA/5/1002/5(7467) dated 19th April 2022 forwarding the tax compliance status of the candidates for appointment as members of the Ethics and Anti-Corruption Commission (EACC).

We confirm that Mr. John Ogallo of ID No. 4834268 and KRA PIN: A000091252Z has settled the tax arrears in relation to Monthly Rental Income (MRI) by making a payment of **Ksh.108,500** by way of RTGS Ref: 2020220001363828 dated 11th May 2022 and applied for a payment plan Ref: KRA202206593442 dated 11th May 2022 to clear the balance of **Ksh.302,913** in four (4) instalments of **Ksh.75,728** each (*copies attached*).

In regards to the treatment of his income earned from the World Bank Group, the case is under review for determination and private ruling on the matter.

Therefore, we wish to advise the Committee on Justice and Legal Affairs that Mr. John Ogallo is now tax compliant pending the determination of the private ruling.

Yours sincerely,

**FCCA Rispah Simiyu (Mrs.) Advocate, EBS
AG. COMMISSIONER GENERAL**

Tulipe Ushuru Tujitegemee!



KENYA REVENUE
AUTHORITY

Payment Slip

(SWIFT/RTGS)

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4999 999
Cell: +254(0711)099 999
Email: callcentre@kra.go.ke

www.kra.go.ke

Taxpayer PIN : A000091252Z

Payment Registration Date: 11/05/2022

Name and Address :

Payment Registration Number

JOHN OTIENO OGALLO

2020220001363828

HATHERU, NAIROBI CITY, Westlands District,
PO Box:53535,
Postal Code:00200



Payment Details

Sr.No.	Payment Type	Tax Obligation	Tax Period	Amount to be Paid (Ksh)
1	Self Assessment Tax	(0111) Income Tax - Rent Income	Mar 2022	26,903
2	Self Assessment Tax	(0111) Income Tax - Rent Income	Feb 2022	27,167
3	Self Assessment Tax	(0111) Income Tax - Rent Income	Jan 2022	27,430
4	Self Assessment Tax	(0111) Income Tax - Rent Income	Sep 2021	27,000
Total Amount to be Paid (Ksh)				108,500

Currency :	Kenyan Shillings (Ksh)
Amount In Words:	One hundred eight thousand five hundred Kenyan Shillings

Taxpayer Bank Details

Bank Name: HOUSING FINANCE BANK
Branch Name: Rehani House
Account No: 2000042438


Beneficiary Bank Details

Bank Name: ABSA BANK KENYA PLC
Account Name: KRA
Account No: 2031960749
Payment Registration Number: 2020220001363828


International Transfer Details

Swift Code: Not Applicable
Intermediary Bank: Not Applicable

I/We authorize the bank to transfer the above sum of money for the lawful purpose detailed above.
Authorized Applicants Name, ID No & Signature

(1) JOHN OTIENO OGARLO
ID# 4834268 

(2).....

Delivered by:  ID 4834268

For Bank use only:

Bank
International transfer/ RTGS (Local transfer) – Tick as appropriate

Forex Amount		Currency	
Rate			
Ksh. Equivalent			
Commission			
Total			

Call made to	1.	2.
Phone No.		
Date/ Time:		
Done by:	Name:	Signature & Stamp

ACTION	NAME	SIGNATURE	SIGN NO
Input by:			

Verified by:			
Authorized by:			
Routed by:			

Search Code	447840157757LCV(Use this number to query the status of your Payment Slip)
M Payment	M-Pesa: Paybill ->Business No. 572572 -> Account No. 2020220001363828 -> Amount 108,500. NB: Amount should be <70,000 Kshs.
Note	All correspondent charges to be paid by the taxpayer
Disclaimer	If this slip is lost or defaced, you can reprint /regenerate from the portal itax.kra.go.ke or the nearest KRA office. This is NOT a Receipt of payment. The payment must therefore be made through either of the Partner Banks/M-Payment by the Tax Due Date as defined by the relevant Tax Laws.

Notice: Employers are reminded that the due date for PAYE Returns and remittance is the ninth day of each calendar month.

www.kra.go.ke

Taxpayer PIN : A000091252Z

Payment Plan Application Date: 11/05/2022

Name and Address :

Payment Plan Application Number

JOHN OTIENO OGALLO

KRA202206593442

HATHERU, NAIROBI CITY, Westlands District,
PO Box:53535,
Postal Code:00200**Applicant Information**
(N.A. if Applicant Type is Taxpayer)

Applicant Type	Taxpayer
Applicant PIN	N.A.
Applicant Name	N.A.

Application Details for Tax Obligation Income Tax - Rent Income

Sr.No.	Notice Number(s)	Tax Period(s)
1	149244678	Sep 2020-Sep 2020
2	149244718	Oct 2020-Oct 2020
3	149244737	Nov 2020-Nov 2020
4	149252886	Dec 2020-Dec 2020
5	149241564	Aug 2020-Aug 2020

Total Amount Payable by Installment (Ksh)	302,913
Amount payable per Installment (Ksh)	75,728

Note : Dear Taxpayer, we acknowledge receiving your payment plan application through KRA web portal / KRA front desk. Please note that this is just an acknowledgement and not an approval for payment plan. This application will be forwarded to the concerned authority for further processing.

Disclaimer : This is a system generated receipt and does not require signature.

