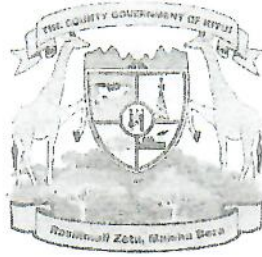


**COUNTY GOVERNMENT OF KITUI**



**COUNTY ASSEMBLY**

**SECOND ASSEMBLY – (THIRD SESSION)**

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**COMMITTEE ON APPOINTMENTS**

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**REPORT ON VERIFICATION OF EDUCATION CREDENTIALS FOR THE KITUI  
COUNTY EXECUTIVE COMMITTEE MEMBERS (CECMs), 2019.**

Clerk's Chambers,  
County Assembly Buildings,  
Kitui, Kenya

**July, 2019**

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**Abbreviations**

<b>CECM</b>	County Executive Committee Member
<b>EACC</b>	Ethics and Anti- Corruption Commission
<b>H.E.</b>	Her Excellency
<b>MCA</b>	Member of County Assembly

## ANNEXTURES

No.	Annex	Title
1.	Annex 1	Signed List of Members adopting the Report
2.	Annex 2	Letter from the Speaker requesting for verification
3.	Annex 3	Copies of certificates submitted by nominees
4.	Annex 4	Copies of testimonials submitted by nominees
5.	Annex 5	Response from the University of Nairobi regarding Mr. John Muneeni Makau.
6.	Annex 6	Response from the University of Nairobi regarding Ms. Mary Ndunge Nguli.
7.	Annex 7	Response from the University of Nairobi regarding Mr. Patrick Koki Musau.
8.	Annex 8	Response from Moi University regarding Mr. Jacob Maundu Kakundi.
9.	Annex 9	Response from Moi University regarding Mr. David Musyoki Kivoto.
10.	Annex 10	Response from Egerton University regarding Ms. Rosaita Mbukua Ngina.
11.	Annex 11	Response from Mt. Kenya University regarding Mr. Phillip Mutinda Mumo.
12.	Annex 12	Response from Jomo Kenyatta University of Agriculture and Technology regarding Mr. Emmanuel Malii Kisangau
13.	Annex 13	Motion by Hon. James Munuve

## **1.0 PREFACE**

**Mr. Speaker Sir,**

On behalf of the Committee on Appointments, it is my pleasure to present to this House the Report of the Committee on Appointments on the verification of education credentials for the Kitui County Executive Committee Members (CECMs).

## **1.1 COMPOSITION OF THE COMMITTEE**

**Mr. Speaker Sir,**

The Committee on Appointments is established under Standing Order 184. The Committee comprises of the following members:-

- |                            |                  |
|----------------------------|------------------|
| 1. Hon. George M. Ndotto   | Chairperson      |
| 2. Hon. Peter M. Kilonzo   | Vice Chairperson |
| 3. Hon. John Kisangau      | Member           |
| 4. Hon. Ruth Kyene         | Member           |
| 5. Hon. Elizabeth N. Peter | “                |
| 6. Hon. Jeffason Kiruru    | “                |

## **1.2 MANDATE OF THE COMMITTEE**

**Mr. Speaker Sir,**

The mandate of the Committee as provided for under the establishing Standing Order is to consider for approval by the County Assembly appointments under Article 179 (2) of the Constitution this being the County Executive Committee Members.

## **1.3 BACKGROUND**

**Mr. Speaker Sir,**

Through a letter dated 4<sup>th</sup> October, 2017 H.E. the Governor of Kitui County forwarded to the County Assembly a list of eight (8) nominees for purposes of vetting and approval by this House to pave way for the appointment of the said nominees in the specific positions. This approval is provided as a mandatory step towards the appointment of such nominees under the Public Appointments (County Assembly) Approvals Act.

**Mr. Speaker Sir,**

On 10<sup>th</sup> October 2017, the Speaker communicated to the House the list of nominees and committed the same to the relevant Committee being the Committee on Appointment. Upon receiving the list of nominees, the Committee on Appointments undertook vetting by inspecting the submitted credentials and other documents as well as by examining the Questionnaires that were submitted by the respective nominees pursuant to the Public Appointments (County Assembly) Approvals Act.

**Mr. Speaker Sir,**

In addition to examining the documents received from the Office of the Governor as well as the nominees themselves, the Committee also interviewed each of the nominees for purposes of buttressing the information that had been provided in both their questionnaires and the other documents received.

On the premise of the information that the Committee had gathered through the interviews and the documents received, this Committee approved all the nominees for appointment by H.E. the Governor in the respective positions. The report of the Committee was adopted by the House on Thursday 2<sup>nd</sup> November, 2017.

**Mr. Speaker Sir,**

Sometime this year (2019), this Committee became aware of some information in the public domain that purported to suggest that some of the nominees were vetted and thereafter appointed based on forged documents despite the fact that the First Schedule of the Public Appointments (County Assemblies Approval) Act prohibits any nominee from tendering false information to the Committee as such would lead to automatic disqualification of the nominee. This is a legal provision that all nominees were aware of as the questionnaires containing the same were specifically hand completed by each one of them.

**Mr. Speaker Sir,**

Upon becoming aware of the said information and in fact after honoring summons from the EACC on the same allegations, this Committee convened and resolved on its motion, to investigate the allegations and ascertain the truth or otherwise of the said allegations.

**Mr. Speaker Sir,**

It is also further important to note that, even though the Committee begun this enquiry purely on its own motion based on the information in the public domain, the Hon. Member for Kanziku ward one Hon. James Munuve did table a Motion in this House where this Committee was required to do the following:-

- A. Inquire into the authenticity of the academic qualifications of all Kitui County CECMs as submitted during vetting and verify the same with the relevant institutions; and
- B. Table the authenticated or verified academic qualifications or any relevant information that may be availed by the relevant institutions during the inquiry; and
- C. Make appropriate recommendations concerning any CECM that may have been appointed based on counterfeit qualifications or testimonials.
- D. Report to the House on this and any other relevant matter within 30 days of adoption of this Motion.

#### **1.4 COMMITTEE MEETINGS**

**Mr. Speaker Sir,**

The Committee held meetings 16<sup>th</sup> May, 2019, 13<sup>th</sup> June, 2019, 2<sup>nd</sup> July, 2019 and 25<sup>th</sup> July, 2019 during which they deliberated on the subject issue and resolved to have the education credentials of the nine CECM members, particularly the first degree, reconfirmed with the institutions of higher learning which are purported to have issued them. The reconfirmation of the first degree is premised on the legal requirement under section 35(3) of the County Governments Act which sets the qualification for a person to be nominated and thereafter appointed in the position of a County Executive Committee member to be *inter alia* a degree from a university recognized in Kenya and which according to the public information received by the Committee was being contested.

The outcome of the Committee's meetings, inquiry and consideration of any documents received from the relevant institutions of higher learning form the basis of the Committee findings and recommendations as outlined later in this Report.

**1.5 ACKNOWLEDGEMENT**

**Mr. Speaker sir,**

The Committee is thankful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee during consideration of this matter.

I also wish to express my gratitude to the Honorable Members of this Committee for their commitment and the staff of Assembly attached to the Committee who worked dedicatedly to compile this Report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Appointments to table this Report to the County Assembly for consideration and subsequent adoption.

SIGN:  DATE: 01-08-2019

**HON. PETER M. KILONZO**

MAJORITY LEADER,

MEMBER, COMMITTEE ON APPOINTMENTS,

**COUNTY ASSEMBLY OF KITUI.**



## 2.0 COMMITTEE'S INQUIRY AND FINDINGS

**Mr. Speaker sir,**

As a result of the Committee's resolution to reconfirm the credentials, the Committee wrote to the relevant institutions as regards eight CECMs. At the time of writing the very first letters, the County Assembly was not in possession of the certificates held by one CECM that is Mr. Bernard Katungi, however, the same have now been received by the office of the Clerk and the verification process is underway.

The Committee wrote to the following institutions:-

a) The University of Nairobi;

With respect to:-

- i) **Mr. John Muneeni Makau.**
- ii) **Ms. Mary Ndunge Nguli.**
- iii) **Mr. Patrick Koki Musau.**

b) Moi University;

With respect to:-

- i) **Mr. Jacob Maundu Kakundi.**
- ii) **Mr. David Musyoki Kivoto.**

c) Egerton University;

With respect to **Ms. Rosaita Mbukua Ngina.**

d) Mt. Kenya University;

With respect to **Mr. Phillip Mutinda Mumo.**

e) Jomo Kenyatta University of Agriculture and Technology.

With respect to **Mr. Emmanuel Malii Kisangau**

**Mr. Speaker Sir,**

The Committee received replies from all the Universities (*copies of the letters are attached to this report for the information of this house*). Upon receiving these replies, the Committee resolved to write this Report in order to make the findings of the investigation known to this House, as well as make recommendations on the subject issue for this House to make resolutions.

**Mr. Speaker Sir,**

As indicated in the letters attached in this Report, the degree certificates for the below members of the Kitui County Executive Committee were confirmed as authentic by the issuing institutions:-

1. Mr. Patrick Koki Musau;
2. Mr. John Muneeni Makau;
3. Mr. Jacob Maundu Kakundi;
4. Ms. Mary Ndunge Nguli;
5. Mr. David Musyoki Kivoto; and
6. Mr. Emmanuel Malii Kisangau

**Mr. Speaker Sir,**

The degree certificates for the below County Executive Committee Members as indicated in the letters attached to this Report were confirmed as *forged, not authentic and that they did not emanate from the institutions that purportedly issued them*.

1. Mr. Phillip Mumo Mutinda; and
2. Ms. Rosaita Mbukua Ngina.

**Mr. Speaker Sir,**

As indicated earlier in this Report, this Committee is in the process of verifying the degree certificate provided by Mr. Bernard Katungi. As at the moment, the Committee has already written to the Commission on University Education as evidence in the letter annexed to this Report and as soon as this Committee is in receipt of conclusive information on the matter, we shall forthwith Report to this House.

**Mr. Speaker Sir,**

The Committee received replies from all the Universities (*copies of the letters are attached to this report for the information of this house*). Upon receiving these replies, the Committee resolved to write this Report in order to make the findings of the investigation known to this House, as well as make recommendations on the subject issue for this House to make resolutions.

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3. Mr. Jacob Maundu Kakundi;
4. Ms. Mary Ndunge Nguli;
5. Mr. David Musyoki Kivoto; and
6. Mr. Emmanuel Malii Kisangau

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### **3.0 COMMITTEE'S RESOLUTIONS AND RECOMMENDATIONS**

**Mr. Speaker Sir,**

As a result of the above findings and upon deliberating on the issues brought about by the findings on this matter, the Committee made the following resolutions and recommendations.

#### **THAT THIS HOUSE RESOLVES:-**

1. That H.E the Governor removes the two members of the County Executive Committee that is Mr. Philip Mumo Mutinda and Ms. Rosaita Mbukua Ngina from office pursuant to section 40 of the County Governments Act on the ground that the two have grossly violated section 35(3) of the County Governments Act. Section 35(3) provides that for a person to be qualified to hold the office of a County Executive Committee Member must amongst other things be a holder of at least a first degree from a university recognized in Kenya. The removal should be done within **seven days** of receipt of the County Assembly's resolution on the matter; and
2. That in the event that H.E the Governor declines or refuses to dismiss the two persons that is Mr. Philip Mumo Mutinda and Ms. Rosaita Mbukua Ngina within the timelines provided, the County Assembly to forthwith and without delay proceed and commence impeachment process against the two persons; and
3. That the names of Mr. Philip Mumo Mutinda and Ms. Rosaita Mbukua Ngina be forwarded to the Director of Public Prosecutions (DPP) for prosecution for willfully and knowingly submitting to the Committee falsified information and/or forged university degree certificates in order for the County Assembly to approve their appointments as Members of the Kitui County Executive Committee in addition to any other offence that in the wisdom of the DPP they will consider fit to prosecute the two persons against; and
4. That the County Assembly to forward the matter to the Assets Recovery Agency for the agency to proceed and recover any monies whether salaries or otherwise or assets that were received or acquired by the two persons that is Mr. Philip Mumo Mutinda and Ms. Rosaita Mbukua Ngina for the period that they were employed by the County

#### **4.0 CONCLUSION**

**Mr. Speaker Sir,**

In conclusion, this Committee would like to sincerely convey its regrets regarding the issue at hand and the impact it has obviously had on the people of Kitui County. We would like to point out that as a Committee, we undertook the vetting process of the nominees fully guided by the applicable law and what is happening now is regrettable.

**Mr. Speaker sir,**

The responsibility to safeguard the interests of this County is bestowed upon this House the same way it is bestowed on H.E. the Governor or any other agency or authority of the County Government. When undertaking important tasks like appointing people who are going to be the stewards of the County's resources for the benefit of its citizenry, this House and by all means the people of Kitui expect that great caution and care is taken by every person that is involved in the process. It was therefore this Committee's greatest expectation that the nominating authority had, as it was expected, examined and verified the credentials of the nominees that she was presenting before this House for approval of appointment into the offices of CECMs.

**Mr. Speaker Sir,**







This Committee would like to dispel the unfortunate belief amongst members of the public and regrettably so amongst some of the members of this Honorable House (*as we are all aware*) that this Committee was aware that these certificates were forged. As a matter of fact, we would like to assure this House that the findings contained in this Report met the Committee with shock.

**Mr. Speaker Sir,**

We would like to condemn in the strongest terms possible the two County Executive Committee Members for having the temerity to mislead this House as well as the people of this County. As a result of their illegal acts, they have had the County Government place huge responsibility and

county resources in the hands of incompetent and unqualified people. This House should act firmly against such persons.

We, Members of the Appointments Committee have adopted this Report and hereby affix our signatures to it to affirm our approval and confirm its accuracy, validity and authenticity:-

NAME	DESIGNATION	SIGNATURE
1. Hon. George M. Ndotto	Chairperson	
2. Hon. Peter M. Kilonzo	Vice Chairperson	
3. Hon. John Kisangau	Member	
4. Hon. Ruth Kyene	Member	
5. Hon. Elizabeth N. Peter	“	
6. Hon. Jefason Kiruru	“	





*Handwritten notes and signatures at the top of the page.*

**MOTION ON INQUIRY INTO THE AUTHENTICITY OF KITUI COUNTY EXECUTIVE COMMITTEE MEMBERS (CECMs) ACADEMIC QUALIFICATIONS**

*(Hon James M. Munuve)*

AWARE that there has been continuous public outcry on the authenticity of the qualifications of some Kitui County Executive Committee Members (CECMs), while Section 35(3)(b) of the County Government Act requires a CECM appointee to be a holder of a degree from a university recognized in Kenya;

FURTHER AWARE that Kitui County Assembly Standing Order No. 184 establishes the Appointments Committee mandated to vet County Executive Committee Members (CECMs) for approval by the County Assembly;

RECALLING that the Committee vetted and recommended for approval members of the Kitui County Executive Committee which membership was subsequently approved by the House based on the Committee's recommendations;

THIS HOUSE HEREBY RESOLVES to mandate the Committee on Appointments to:

- 1. Inquire into the authenticity of the academic qualifications of all the Kitui CECMs as submitted during vetting and verify the same with the relevant institutions;
- 2. Table the authenticated or verified academic qualifications or any relevant information that may be availed by the relevant institutions during the inquiry;
- 3. Make appropriate recommendations concerning any CECM that may have been appointed based on counterfeit qualifications or testimonials;
- 4. Report to the House on this and any other relevant matter within 30 days of adoption of this Motion.

SIGN:.....*James M. Munuve*.....

DATE:.....03/07/2019.....

HON JAMES M. MUNUVE,  
MCA, KANZIKO WARD,  
COUNTY ASSEMBLY OF KITUI.

*Handwritten notes and signatures at the bottom right of the page, including 'I speak', 'Thank you', and 'I will help'.*

*Handwritten notes and signatures at the bottom left of the page.*

