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THE WALKER LEGAL GROUP

February 18, 2015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Kenneth Mapp
Governor of the U.S. Virgin Islands
Office of the Governor
Government House
21-22 Kongens Gade
St. Thomas, VI 00802

Terri Griffiths, Esq.
Acting Attorney General
Department of Justice
34-38 Kronprindsens Gade
St. Thomas, VI 00802

Re: BIZVI, LLC v. Lawrence Olive and Government of the Virgin Islands

Dear Governor Mapp and Acting Attorney General Griffiths:

Notice is hereby given, pursuant to the Virgin Islands Tort Claim Act codified in V.I. Code Ann., tit. 33 § 3409, of BIZVI, LLC's intention to file suit against the Government of the Virgin Islands. The claims of BIZVI, LLC arise from statements made by Acting Director of Bureau of Motor Vehicles Lawrence Olive to the press and other government officials that BIZVI, LLC was under federal investigation and that it had closed its St. Thomas' offices and left the territory and further failed to uphold the terms of its contract with the Government of the Virgin Islands as it relates to building a software program in order to implement the RealID system through the Bureau of Motor Vehicles.

A draft complaint is enclosed.

Sincerely,

Kye Walker, Esq.

KW/m
Enclosure

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

BIZVI, LLC and SYED GILANI,

Plaintiffs,

v.

GOVERNMENT OF THE VIRGIN ISLANDS
ON BEHALF OF THE VIRGIN ISLANDS
BUREAU OF MOTOR VEHICLES, and
LAWRENCE OLIVE, Acting Director of the
V.I. Bureau of Motor Vehicles, in his
personal and professional capacities,

Defendants.

CIVIL NO. _____

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

VERIFIED COMPLAINT

COME NOW the Plaintiffs, BIZVI, LLC and SYED GILANI, by and through their undersigned counsel, and for their causes of action against the Defendants, Government of the Virgin Islands on behalf of the Virgin Islands Bureau of Motor Vehicles, and Lawrence Olive, Acting Director of the V.I. Bureau of Motor Vehicles, state as follows:

PARTIES

1. Plaintiff, BIZVI, LLC ("BIZVI"), is a corporation duly organized and existing under the laws of the U.S. Virgin Islands and, as such, is and at all times referenced herein was a citizen of the St. Croix, U.S. Virgin Islands.
2. Plaintiff, Syed Gilani, is the President and Chief Executive Officer of BIZVI.
3. Defendant, the Virgin Islands Bureau of Motor Vehicles ("VIBMV") is an executive department in the United States Government of the Virgin Islands. V.I. CODE



ANN., tit. 3, §§ 227-233.

4. Defendant, Lawrence Olive (“Olive”) is the Acting Director of the Virgin Islands Bureau of Motor Vehicles having been appointed Director of the VIBMV by Governor Kenneth Mapp.

5. Olive’s nomination is pending confirmation by the 31st Legislature of the Virgin Islands at the time of the filing of this Complaint.

JURISDICTION

6. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4).

FACTUAL ALLEGATIONS

7. BIZVI engages in computer network programming, web design, and custom programming service, among other services.

8. BIZVI provides services to agencies of the Government of the Virgin Islands, private non-profit organizations and other business throughout the Territory of the Virgin Islands.

9. BIZVI, through itself and its subsidiaries, has over 1000 business clients in the Virgin Islands.

10. Gilani (“Gilani”), the President and Chief Executive Officer of BIZVI, was born in Pakistan.

11. Gilani became a United States citizen in 2010.

12. He obtained a Masters of Science from the Lahore School of Economics in Pakistan, a Masters of Business Administration from the University of the Virgin Islands and a Masters in International Relations from Harvard University.

13. In 2011, Gilani was honored as one of the 50 Outstanding Asian American Entrepreneurs by the Asian American Business Development Center.

14. He was also inducted as the Sounding Board Member at Columbia Business School.

15. In November, 2011 the Government of the Virgin Islands contracted BIZVI to build a software program that meets the standards outlined in the Real ID Act of 2005.

16. The three year contract allowed for work to be performed in phases with one year designated to building the software program and two years for maintenance.

17. The contract also contained a non-discrimination clause protecting individuals from being denied the proceeds of or being subject to discrimination in the performance of the contract.

18. The Real ID Act of 2005 ("Act") is a federal law that sets forth requirements for state driver's licenses and identification cards to be accepted for "official purposes" including for boarding commercial airlines and entering federal buildings.

19. The Act requires, among other things, the linking of databases domestically and internationally and further includes security and fraud prevention standards.

20. The new driver's licenses and identification cards would contain specific security features intended to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

21. Prior to the Real ID Act, each state or territory set its own rules regarding

the issuance of a driver's license or identification card.

22. BIZVI completed the scope of work outlined in the contract and deployed the Real ID card system on VIBMV servers in September, 2013.

23. BIZVI is still owed \$60,000.00 for the maintenance phase of the contract, although the work has been performed and the contract has since expired.

24. In addition to deploying the Real ID card system, BIZVI consolidated the three VIBMV databases on St. Croix, St. Thomas and St. John into one database to avoid the duplicate records and fraudulent activity that occurs when the VIBMV uses multiple databases to issue Virgin Islands driver's licenses.

25. After deployment, the VIBMV asked BIZVI to provide both facial recognition and fingerprint recognition technology to effectively identify fraudulent records and activities through biometrics and other methods.

26. Accordingly, on February 16, 2013, prior to the deployment of the new driver's licenses, the Government of the Virgin Islands contracted with BIZVI to develop Facial Recognition Software ("the Facial Recognition Software contract") capable of synching and integrating with the Real ID Driver's License Software that was already being developed by BIZVI for the Virgin Islands.

27. The duration of the Facial Recognition Software contract was two years and contained a non-discrimination clause protecting individuals from being denied the proceeds of or being subject to discrimination in the performance of the contract.

28. The Facial Recognition Software would be designed to combat fraud and identity theft by comparing facial images for individuals applying for Virgin Islands Driver's License against existing and future photographs to ensure that there would be

one facial identity per driving and identification record.

29. The total cost of the Real ID project was \$2 million, which consisted of a federal grant of \$1.5 million and local government funding of \$500,000.00.

30. On July 29, 2014, former Director of the VIBMV testified to members of the 30th Legislature that the Department of Homeland Security's Real ID National Status Report showed that the Virgin Islands is in compliance with Real ID Requirements.

31. Former Director Browne also testified that Facial Recognition, Biometric Identification and matching technology systems will be features to the Real ID Driver's License System Design.

32. He further testified that BIZVI donated to the VIBMV a basic vehicle registration system to upgrade BIZVI's system to a single database, vehicle registration and titling system.

33. Once customized, the new vehicle registration system could connect to the driver's license database thereby aiding law enforcement by creating a comprehensive records management system able to match vehicle registration with driver's license records.

34. On December 30, 2014, Virgin Islands Governor Kenneth E. Mapp nominated Lawrence Olive to serve as Director of the VIBMV.

35. The Director of the VIBMV must be confirmed by the Legislature of the Virgin Islands pursuant to 3 V.I.C. § 229.

36. After Olive was nominated, BIZVI, on several occasions tried to reach out to him via the office phones of the VIBMV and on Olive's mobile phone to brief him regarding the RealID project and BIZVI's ongoing contract with the VIBMV, but Olive

never returned the phone calls.

37. Soon after being nominated, Olive indicated his intent to replace BIZVI as the contract responsible for maintaining the Real ID system and revert back to using the older driver's licenses with modifications.

38. Olive also repeatedly told employees of the VIBMV that the data on the servers is compromised because Gilani is from Pakistan and cannot be trusted.

39. Olive stated to others that the VIBMV data is maintained in Dubai, when in fact the data is stored and maintained on servers in St. Croix, Virgin Islands.

40. At least one other employee of the VIBMV refers to Gilani as "the Taliban" in mockery of Gilani's skin color and ethnicity.

41. On or before January 15, 2015, VIBMV cut off BIZVI's access to the VIBMV servers without notification thereby limiting BIZVI's ability to provide ongoing support on the software as per the BIZVI/VIBMV contract.

42. On February 12, 2014, the Legislature's Senate Committee on Rules and Judiciary considered Olive's nomination.

43. Olive testified on his own behalf during the hearing and made several false, defamatory and damaging statements about Gilani and BIZVI.

44. Olive falsely stated among other things, that:

- a. BIZVI is under federal investigation;
- b. That BIZVI was paid \$2 million from federal funds, but has since "closed up shop" and left the Territory without completing the project;
- c. That BIZVI "closed its offices in St. Thomas and left";
- d. That BIZVI committed a "breach of information";

- e. That the new driver's licenses are not ready yet; and
- f. That Real ID has "come to a standstill at this time" because "there are some serious concerns".

45. The defamatory statements were published in several print and online media outlets throughout the Virgin Islands, including the Virgin Islands Daily News and the St. Croix and St. Thomas Source.

46. All three media outlets have an online presence such that Olive's defamatory remarks show up on the first page of a google search for BIZVI.

47. Olive's statements are patently false as:

- a. BIZVI is not under federal investigation;
- b. BIZVI has not "closed up shop" nor has it left the Territory, rather it continues to maintain a physical office at 80 Kronprindens Gade, Suite 206, Charlotte Amalie, St. Thomas;
- c. The new driver's licenses have been deployed; and
- d. There has been no "breach of termination".

48. Since the publication of Olive's false statements, Gilani has received numerous calls from clients and other potential business partners and investors.

49. Olive's false statements are damaging to BIZVI's and Gilani's business relationships and have caused Gilani and his family embarrassment and emotional distress.

50. The Senate Committee did not act on Olive's nomination on February 12, 2015 due to a lack of quorum.

51. Although he is aware that Olive testified falsely before the Legislature,

Governor Kenneth E. Mapp has not recalled his appointment of Olive to serve as the Director of the VIBMV.

**COUNT I
DEPRIVATION OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. §1981
GOVERNMENT OF THE VIRGIN ISLANDS AND LAWRENCE OLIVE IN
HIS OFFICIAL CAPACITY**

52. The Plaintiffs repeat and incorporate each and every allegation contained in paragraphs 1 through 49 above.

53. Defendants violated Plaintiff Gilani's civil rights when it failed to perform under the Real ID contract by tendering payment for maintenance support and by seeking to replace Plaintiffs as the contractor providing support for the Real ID project.

54. As a direct result of the conduct of Defendants, the Plaintiff has suffered pecuniary damages.

**COUNT II
DEFAMATION
GOVERNMENT OF THE VIRGIN ISLANDS AND LAWRENCE OLIVE**

55. Plaintiffs repeat and incorporate each and every allegation contained in paragraphs 1 through 49 above.

56. Olive published false and defamatory statements to the public during his testimony before the Legislature of the Virgin Islands on February 12, 2014.

57. Those false statements were then widely circulated through various media outlets.

58. As a result of those false statements, both Plaintiffs have suffered damage to their professional reputations and loss of income and earning capacity.

59. Plaintiff Gilani has also suffered embarrassment, mental anguish and pain

and suffering.

**COUNT III
NEGLIGENT HIRING
GOVERNMENT OF THE VIRGIN ISLANDS**

60. Plaintiffs incorporate each and every allegation contained in paragraphs 1 through 49 above.

61. The Government of the Virgin Islands owes a duty of care to employ qualified and responsible individuals to head the various departments of Government.

62. Lawrence Olive is unfit and incompetent to serve as the Director of the VIBMV.

63. The Government of the Virgin Islands knew or should have known that Lawrence Olive would publish false and defamatory statements about individuals, such as Gilani and his business.

64. The negligence of the Government of the Virgin Islands in hiring and retaining Olive has damaged Plaintiffs and caused them injuries.

65. As a direct result of the conduct of the Government of the Virgin Islands, the Plaintiffs have suffered loss of income and earning capacity and loss of enjoyment of life.

DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE that the Plaintiffs demand a trial by jury as to all issues pursuant to Federal Rule of Civil Procedure 38.

WHEREFORE, the Plaintiffs pray for relief as follows:

1. Compensatory damages;
2. Pre and Post Judgment Interest;

3. Punitive Damages; and
4. Any other relief the Court may deem just and proper.

Respectfully Submitted,

THE WALKER LEGAL GROUP
Attorney for Plaintiff

DATED: February 18, 2015

BY: 

Kye Walker, Esq.

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VERIFICATION

I, Syed Gilani, being first duly sworn, under oath, depose and state the following:

- (a) I am the Plaintiff in the above-entitled action;
- (b) I have read the foregoing Verified Complaint and know the contents thereof;
and,
- (c) That the same is true and correct to the best of my knowledge and belief.

DATED: February 18, 2015



 SYED GILANI

TERRITORY OF THE VIRGIN ISLANDS)

DISTRICT OF ST. CROIX

)
) ss:

Subscribed and sworn to before the undersigned this 18th day of February, 2015.



 NOTARY PUBLIC

My Commission Expires: Nov. 17, 2017

Malvina A. Jackson
St. Croix, U.S. Virgin Islands
N.P - 95-13

Commission Expires on Nov. 7, 2017

