

MEMO



To: CM (HR & A)

Ref: HR/CO/3

From: CHRO (GA)

Cc:

Date: 12th March 2014

Subject: BOARD INTERVIEWS FOR THE POSITION OF CHIEF LEGAL OFFICER

Your memo dated 12th march 2014 refers. Though I am not privy to the contents of the said memo, we wish to respond as follows:-

A. SENIOR LEGAL OFFICER

The position of Senior Legal Officer and Legal Officer I was advertised on 25th November 2009 and attracted thirty three (33) candidates and thirty four (34) candidates respectively.

A panel comprising of Mrs. Flora Okoth, Mrs. R. A. Osiako, Mr. Bosco Muindi and Mrs. Jane Nakodony, was approved to interview the shortlisted candidates as per the attached advertisement. A total of thirteen (13) candidates were shortlisted for the position of Senior Legal Officer while five (5) for the position of Legal Officer I.

During the interviews for the position of Senior Legal Officer, Ms. Gloria Masikha, who had applied for the position of Legal Officer I, was interviewed with the others and the ranking was as follows:-

- | | |
|-------------------------|-----------------|
| 1. Mr. Stanley Manduku | 1 st |
| 2. Mr. Lucy Barno | 2 nd |
| 3. Ms. Esther W. Kung'u | 3 rd |
| 4. Ms. Gloria Masikha | 4 th |
| 5. Jacklyne Manani | 5 th |
| 6. Irene Ivy Nyarango | 6 th |

In the interview Ms. Gloria Masikha informed the interviewing panel that she was undertaking her CPSK at Strathmore University.

These six candidates appeared before the BHRC, the Board of Directors subsequently recommended the following two for the position of Senior Legal officer as per the attached resolutions of 25th February 2010.

1. Stanley Manduku
2. Gloria Masikha

B. CHIEF LEGAL OFFICER

On 14th January 2013, the company advertised internally for the position of Chief Legal officer. Five (5) candidates applied for the position internally and three (3) were shortlisted for interview namely:-

1. Standley Manduku
2. Gloria Khafafa
3. Brigid Cheronno

In her resume presented in the application for the position, Ms. Gloria Khafafa indicated that she was a CPS (K) holder though she did not attach a certificate to confirm the same. She was consequently called for interview on the strength of her indication. (See attached application)

During the interview Ms. Gloria Khafafa was asked for her CPS certificate and again she indicated that the same was ready only that she had not collected it from KASNEB. (Minutes of interview are attached).

Forwarded for your information.


HENRY LENAIROSHI.

Encls.



MEMO

To: List E

Ref: HR/AD/5

From: HRM

Date: 14th January 2013

Cc: MD, CMT, CM (F&S), CM (HR&A)

Subject: INTERNAL JOB ADVERTISEMENT

We wish to advise staff that the following positions in the establishment are vacant:

- | | | |
|---|---|--------------|
| 1. Chief Engineer (Instrumentation & Control) | - | Job Group 3 |
| 2. Chief Legal Officer | - | Job Group 3 |
| 3. Chief Pensions Officer | - | Job Group 3 |
| 4. Engineer I (Safety) | - | Job Group 5 |
| 5. Senior Technician (Operations) (Re-advert) | - | Job Group 7 |
| 6. Senior Safety Assistant | - | Job Group 10 |
| 7. Senior Technical Operator (Re-advert) | - | Job Group 10 |

Applications giving full details of education, professional qualifications and relevant experience (copies of certificates to be attached) should be submitted to the Human Resources Manager not later than **25th January 2013**.

Administration Officers and Station Controllers should ensure that the advertisement is placed on the **STAFF NOTICE BOARDS** in each station.

The requirements for each position are attached.


R. A. OSIAGO (MRS.)

Sjcl.

NB: Our Motto: 'To do our best always.'

Our Vision: 'To be globally predominant petroleum products handling and related service provider.'

25 JAN 2013

Gloria Robai Khafafa

24th January 2013

The Human Resources Manager
Kenya Pipeline Company Limited
Kenpipe Plaza, Industrial Area
NAIROBI

Dear Madam,

RE: APPLICATION FOR THE POST OF CHIEF LEGAL OFFICER

I hereby tender my application for the post of Chief Legal Officer as advertised by you on 14th January 2013.

I am an advocate of the High Court of Kenya, Commissioner for Oaths and Notary Public. In addition, I am a holder of a Masters Degree in Business Administration, Bachelor of Laws (LLB) Degree, Second Class Honors (Upper Division) from Moi University, Eldoret. I also hold CPS (K) qualifications (KASNEB Reg. No. N3C/220614) and I am awaiting issuance of my certificate. I am also a member of the Law Society of Kenya as well as the East African Law Society. I have 11 years post-qualification experience, and I am currently pursuing a Masters in Law (Energy Law) from the University of London External Programs.

Currently, I am employed at Kenya Pipeline Co. Ltd as the Senior Legal Officer, Litigation & Compliance. Full details of my qualifications and experience are contained in the attached resume and copies of certificates. I believe my qualifications and experience can be applied for the benefit of KPC, and I look forward to your favorable response.

Yours faithfully,

GLORIA R. KHAFafa



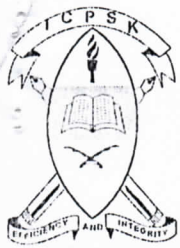
P. O. BOX 276-00100

NAIROBI

Telephone no: 0722-

310277

e-mail:



The Institute of
Certified Public Secretaries
of Kenya

CPS Governance Centre
Upper Hill, Kilimanjaro Road, Off Mara Road
P.O. Box 46935-00100, Nairobi, Kenya
Tel: 254 20 3597840/2
E-mail: info@icpsk.com
Website: www.icpsk.com

March 7, 2014

James O. Makori
Kenya Pipeline Company Ltd
P. O. Box 73442 – 00200
Nairobi



Dear Mr. Makori,

RE: GLORIA ROBAI KHAFABA

We are in receipt of your letter dated March 5, 2014, in which you inquired whether the above named person is a member of the Institute of Certified Public Secretaries of Kenya.

We wish to confirm that the above mentioned is **NOT** a member of this Institute.

Please do not hesitate to get back to the undersigned for any further clarification on the matter.

Yours sincerely

CS. John K. Mburugu
Chief Executive & Secretary

CONFIDENTIAL



MEMO

To: MD
From: CSO (SEC.)
cc: CM (HR & A)



Ref: HR/SG/2/6

Date: 17/03/2014

Subject:- PRELIMINARY REPORT ON INVESTIGATION IN RESPECT OF STAFF GLORIA ROBAI KHAFABA'S CPS (K) CERTIFICATION:

1.0 INTRODUCTION

Please refer to CM (HR & A) Memo ref: HR/CO/3 dated 12th March, 2014 on the above subject and your subsequent approval for investigation on the same issue and note the following:-

That Staff Gloria Robai Khafafa's claim in her application letter and during the interview that she is an holder of a Certified Public Secretaries (K), one of the mandatory requirements for the position is misleading and a breach of discipline. The fact that she was employed as a SLO (senior legal officer) on the assumption that she holds the requisite certification is also a criminal offence.

That the staff lied during management and Board Human Resources committee interviews about her CPS (K) certification which was discovered otherwise by Human Resources Department, while reviewing the candidates' profile.

In view of the above, a background check was conducted to confirm the true position from the following institutions and the outcome confirmed that indeed Ms Gloria Robai Khafafa is **NOT** a holder of CPS (K):-

- a. Institute of Certified Public Secretaries of Kenya
- b. Registration of Certified Public Secretaries Board
- c. KASNEB

2.0 SCOPE

As per your approval contained in HRD Memo Ref: HR/CO/3 dated 12th March 2014, Security will conduct a comprehensive investigation into the above matter and cover the following areas:-

- a. Ascertain which position staff Gloria Khafafa applied for before her initial employment in the company.
- b. To confirm if CPS (K) qualification was a mandatory requirement for the position of Senior Legal Officer which she currently holds.
- c. Ascertain how she was shortlisted, interviewed and recruited for the position of SLO in the company.

- d. Ascertain how she was shortlisted and interviewed by Management and Board Human Resources Committee for the position of Chief Legal officer without the mandatory requirement of CPS (K) qualification.
- e. Conduct a comprehensive background check on other qualifications that may have been mandatory for her to join the company at the level of SLO, a position she currently holds.

3.0 RECOMMENDATIONS

In view of the revelations contained in the correspondences from the above institutions in regard to the CPS (K) certification of Staff Gloria Robai Khafafa, the following recommendations are made at this preliminary stage of investigation while a comprehensive report will be submitted on completion of the investigation:-

- a. As is the practice, staff Gloria Khafafa should be suspended with immediate effect in order to pave way for investigation.
- b. Considering the fact that staff Gloria holds a very key position in the legal department of the company, it will be important for a comprehensive audit to be carried out for ALL transactions she has conducted on behalf of the company and if she is found to have prejudiced the company in any way then appropriate measures to be taken in order to safeguard the interests of KPC.
- c. Security to report this case to the police since it is a criminal offence and the accused is by profession a custodian of the law and she is well informed of the consequences of document falsification.

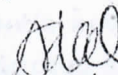
A duly completed investigation report will be submitted as soon as it is practically possible.

Regards

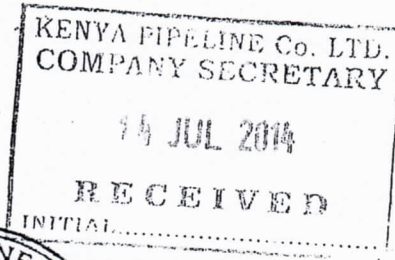

DAVID KEINO

HRM

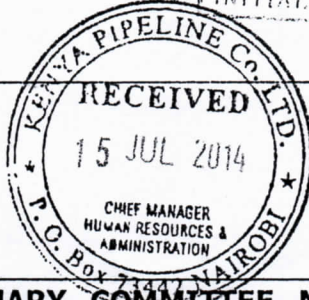
This has been discussed
with the MD. Write
a "show-cause" letter
to Gloria


19/3/14

MEMO



To: See Below*
From: CM (HR & A)
cc: MD



Ref: HR/CO/20
Date: 10th July, 2014

Subject: STAFF DISCIPLINARY COMMITTEE MEETING TO BE HELD AT KENPIPE PLAZA ON 11TH JULY 2014

We refer to our memo dated 3rd July 2014 of even reference in which we convened a Staff Disciplinary Committee meeting to deliberate on a case on 10th July 2014.

Please note that the Staff Disciplinary Committee has been cancelled on the MD's advise and you are therefore required to return the confidential memo inviting you to the meeting to the undersigned.

Aded

ROSE NG'INJA (MRS)

Distribution:

- 1) CMT
- 2) Ag. CM (F&S) *Please*
- 3) CS
- 4) SHRO (IR) - Secretary

*See attached.
Thanks*

CS

14/7/14

KENYA PIPELINE COMPANY LIMITED



KENPIPE PLAZA,
SEKONDI ROAD,
OFF NANYUKI ROAD,
INDUSTRIAL AREA,
NAIROBI, KENYA.
P.O.Box 73442 - 00200,
TELEPHONE: 254-20-2606500
TELEFAX: 254-20-8040188/354003;
E-mail: Info@kpc.co.ke

Staff/Khafafa/3636

3rd July, 2014

Ms. Gloria Khafafa,
KPC Headquarters
NAIROBI

Dear Ms. Khafafa,

RE: INVITATION TO APPEAR BEFORE THE STAFF DISCIPLINARY COMMITTEE

Reference is made to our show cause letter dated 21st March 2014 and your reply dated 28th March 2014 on allegations that you gave false and misleading information on your professional qualification as a Certified Public Secretary Kenya (CPS – K).

Consequently, you are required to appear before the Company Staff Disciplinary Committee on 10th July 2014 to answer to the following charges:

1. Why you knowingly gave misleading information in your application for the position of Senior Legal Officer in December 2009 to the effect that you had 8 years' experience as a legal officer and that you were pursuing CPS (K) certification.
2. Why you gave false information to the Company in your application letter for consideration for promotion to the position of Chief Legal Officer that you were a CPS (K) holder.
3. Why you misled Management interviewing Panel that you are Certified Public Secretary of Kenya.
4. Why you knowingly lied orally to the Board Human Resource Committee during an interview that you hold CPS (K) qualifications.

The offences you committed are in contravention to the provisions under Chapter Six of the Constitution on Leadership and integrity, the Public Officer Ethics Act 2003 and the Kenya Pipeline Company Core Values which requires public officers to consistently demonstrate the

highest levels of honesty and trustworthiness while upholding high moral and ethical principles in the performance of their duties.

Please attend without fail.

Yours Sincerely,

ROSE NG'INJA
FOR: MANAGING DIRECTOR
ekc/

The letter wasn't sent out due to the MD's direction that the matter is being handled at the board level.

AKK

11/7/14

GLORIA KHAFABA
KPC HQ
NAIROBI

28TH March 2014

THE CHIEF MANAGER, HR & A
KENYA PIPELINE CO. LTD
NAIROBI

Dear Madam,

RE: GIVING FALSE AND MISLEADING INFORMATION

I refer to the above matter and your letter dated 21st March 2014.

In response thereto, I wish to state the following:

a) Application for the Position of Senior Legal Officer, December 2009

At the time I made my application for the position, I was made to understand that the requirement was for 'CPS or equivalent' and the determination on the equivalent qualifications was to be made by the interviewing panel. At that time, I had completed my coursework for award of an MBA degree, and I did hand in my examination results slips/transcripts which were considered in addition to my work experience. (See Appendix 1 and Appendix 2)

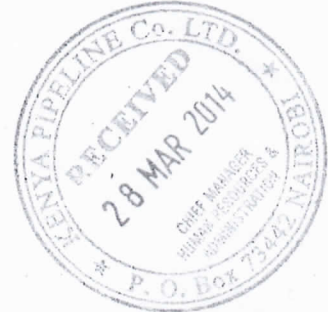
Traditionally, lawyers have been granted the CPS qualification automatically without the requirement to sit for any exams. However, that was capped in the year 2003, when I completed my Kenya School of Law Programme. At the time, it was not clear whether the blanket exemption was given with regard to the year the LLB Degree was obtained, or the year of admission to the Bar. There is therefore no difference in terms of actual qualification to perform the tasks for which I was employed with a person who obtained automatic total exemption since we all studied the same subjects to be able to obtain an LLB degree and a Diploma from Kenya School of Law. However, lawyers were granted partial exemptions of some parts of the CPS Course. I did seek and obtain study packs from Strathmore University for the papers I was required to sit (See Appendix 3, 4) because the CPS course was then offered through distance learning, for which study packs were distributed.

I would wish to state that my qualifications and experience at the time of my employment were sufficient to enable me perform the tasks for which I was employed.

b) Application for the Position of Chief Legal Officer

I duly registered with KASNEB and obtained formal notice of my exemptions (Appendix 4) and indeed paid for and registered for the papers I was to sit. At the time, I did not notice that my ID number was recorded as 14717237 instead of 14717235. (See Appendix 5)

I did inquire and was given the impression that I was duly qualified, and that my results together with my other exemptions would be formalised and once the anomaly was corrected. Despite my best efforts, that anomaly has never been corrected, and though I had been issued with a holding letter, the same was withdrawn, and I was advised to register afresh for the papers.



- b) My MBA results slips clearly indicate that I have studied and passed all the courses which are similar to those required by KASNEB, and further I obtained a qualification on Corporate governance from Kenya Institute of Management. (*Appendix 6*)
- c) Section 2.2 of the KASNEB Guidelines, July 2009 encourages and allows persons who are undertaking the qualifications to obtain practical experience during the qualification period. Further, Section 15 (2) of Cap 534, The Certified Public Secretaries of Kenya Act, allows a salaried employee of the government to carry out, in his capacity as an employee, the duties that a CPS would ordinarily carry out. (*Appendix 7, 8*). The aim of a CPS Examination is to produce a professional who is able to make sound managerial decisions and advise on matters relating to corporate secretarial duties. To the best of my knowledge, I have not committed any crime or compromised the Company in any way by continuing to carry out my duties in KPC.

In light of all the foregoing, I request that my case be considered positively because:

1. It was never my intention to give false and misleading information about my qualifications to the Board and Management of KPC. At the time I gave that statement, I was sincerely under the impression that I had obtained the requisite credits and that any anomalies in my record would be corrected in time and the results slip duly issued.
- 1) I possess sufficient qualifications to carry out my duties legally and diligently, since I possess Section I and part of Section II of the CPS (K) qualifications already, and indeed I have sat and passed courses similar to the other relevant examinations through other recognised institutions(Kenyatta University, Kenya Institute of Management, Chartered Institute of Arbitrators, and Retirement Benefits Authority-*Appendix 9, 10*)
- 2) I have had an excellent performance record in KPC, and indeed pioneered new ways of carrying out my duties, that were hitherto not done before, and which efforts have resulted in great savings to KPC in terms of time, legal fees, and building of KPC's reputation. For instance, through my own initiative, I have prepared defences and personally conducted 7 cases at the Public Procurement Appeals Tribunal and 3 at the City Court, Nairobi on behalf of KPC, and we have won every single one. Since I joined KPC, we have never lost a single case at PPARB, and indeed secured a dismissal of one of the Triton Cases filed by Total Kenya against KPC.
- 3) The law allows me, as a public servant, to continue to discharge my present duties even as I pursue the final qualification and certification for CPS.
- 4) That I am an Advocate of the High Court of Kenya and a Notary Public with 11 years post-qualification experience, and this further counts towards my qualifications, all of which I have utilised and continue to utilise for the benefit of KPC.
- 5) It is not entirely unusual for candidates' results to be missing from an examination body. I therefore plead that, on account of my past performance and record in KPC so far, I be granted the benefit of doubt to continue in my employment and to be given time to re-sit the said examinations.

I look forward to your positive response.

Yours faithfully,

GLORIA R. KHAFABA

CC. MD, CS



MEMO

To: MD

Ref: HR/CO/14 Vol. 10

From: Ag. HRM

Date: 15th September, 2014

Cc: CM (HR&A)

Subject: ACTING APPOINTMENT – GLORIA KHAFABA

Reference is made to the 51st Board of Directors Meeting held on 4th July, 2014, where it was decided that Ms. Gloria Khafafa who is Senior Legal Officer would continue to perform her duties and act in the position of Chief Legal Officer until she passes her CPS (K) examinations.

Following your instructions to effect the acting appointment, we hereby seek your approval to proceed to issue her with an acting appointment letter with effect from 4th July, 2014 pending confirmation of the Meetings minutes.

The above is forwarded for your approval.


H. L. LENAIOSHI
Smk

Amos
James

17/9/14

Henry,

As we are yet to receive the Board Resolutions please act but ensure you reconcile this with the resolutions we have them.

Aded
17/9/14

CONFIDENTIAL**KENYA PIPELINE COMPANY LIMITED****CONTINUATION OF THE 59th BOARD OF DIRECTORS MEETING
HELD ON 15th SEPTEMBER 2015 AT THE HEAD OFFICE OF THE
COMPANY AT 9.00 A.M****Present:**

- | | | |
|----------------------------|---|---|
| 1. Mr. John Ngumi | - | Chair |
| 2. Mrs. Phoebe Ndonge | - | Alternate Director to the PS,
Ministry of Energy and Petroleum |
| 3. Mr. Austin Kapere | - | Member |
| 4. Mrs. Faith Bett Boinett | - | Member |
| 5. Ms. Felicity Biriri | - | Member |
| 6. Mr. Marwa K. Maisori | - | Member |
| 7. Mrs. Flora Okoth | - | Ag. MD |

Absent with apology

- | | | |
|----------------------------|---|--|
| 1. Dr. Geoffrey Mwau | - | Alternate Director to the PS,
National Treasury |
| 2. Mrs. Habon Billow Farah | - | Member |
| 3. Mr. Jerry Simu | - | Member |

By invitation

- | | | |
|-----------------------|---|-----------------------|
| 1. Dr. Eng. C. Mbatha | - | University of Nairobi |
| 2. Mr. Ronald Chogii | - | University of Nairobi |
| 3. Mr. Steven Otieno | - | University of Nairobi |

In Attendance:

- | | | |
|------------------------------|---|-------------------------|
| 1. Eng. Bramwell Wanyalikhwa | - | Engineering Manager |
| 2. Mr. Thomas Ngira | - | Human Resources Manager |

59th BOD Continuation Meeting.

Chairman Secretary Page 1 | 17

vi. 51st BOD Meeting Min 429/2014: the Case of Gloria Khafafa

The BHRC Chair presented a board paper on the case of Gloria Khafafa.

Resolution:

Members discussed the issue at length and resolved to confirm the appointment of Ms. Gloria R. Khafafa to the position of Chief Legal Officer, Litigation and Compliance, with effect from 1st September 2015.


MINUTE 514/2015- ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 3.30 p.m. The next meeting shall be held on notice.

Compiled by Secretary:

GLORIA KHAFIFA

(Name)



(Signature)

25.09.2015

(Date)

Approved for Circulation by Chairman:

John N. Cam

59th BOD Continuation Meeting.

Chairman



Secretary

29/09/15

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(Name)

(Signature)

(Date)

Confirmed as a True record:

Jose N. Cruz
.....

[Handwritten Signature]
.....

20/08/17
.....

(Name)

(Signature)

(Date)

[Handwritten mark]

KENYA PETROLEUM OIL WORKERS UNION

affiliated to the Central Organization of Trade Unions (Kenya)
All correspondence to be addressed to: National General Secretary

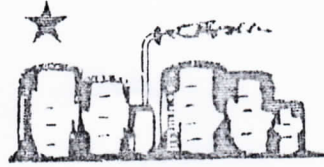
Jogoo Road
K.C.B. Building 4th Floor
Door No. B4F
P.O. Box 10376 - 00400
NAIROBI
Tel: 020 2302640
Email: kpow.union@yahoo.com

National Chairman

Charles Okok
National General Secretary

Filbert Amollo
National Treasurer

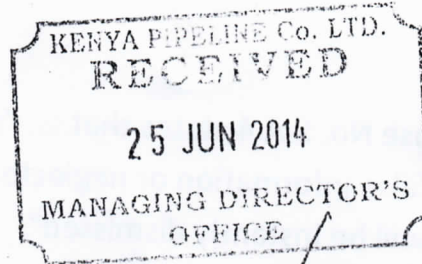
Waliff Chege



Our Ref: KPOWU/02/KPC/26/2014

Your Ref:

The Managing Director
Kenya Pipeline Company Ltd.,
P.O Box 73442
NAIROBI



24th June, 2014

Date:

→ HRM - PS
response draft
response
25/6/14 26/6/14

Dear Sir,

RE: APPLICATION OF DOUBLE STANDARD AND MATTERS OF INTEGRITY:

The information reaching this Office indicates that Gloria Rabai Khafafa a Kenya Pipeline Staff No. 3636 did not only gain employment in Kenya Pipeline Company when she applied for the post of senior Legal Officer but also later again applied requesting to be considered for promotion to the post of Chief Legal Officer in the Legal Department by giving false information. She did **NOT** and does **NOT** hold CPS (K) qualification, a mandatory requirement when applying for such posts. Further, Gloria gave false information to the effect that she was a member of the Institute of Certified Public Secretaries Kenya – when she knew very well that that was not the case thereby putting her integrity into question. Chapter six (6) Clause 73 (1) a (iii) and (2) c & d of the new Constitution are very clear on integrity issues governing the holder of a public Office.

Staff Rules and Regulations:

Staff Rules and Regulations Clause No. 5.A.4 states that..... "similarly any employee found to have given false information or neglected to give information regarding any criminal offence will be instantly dismissed".

Below are the names of members of staff in the Union cadre who have since lost their jobs in similar circumstances.

<u>Name</u>	<u>Job Group</u>	<u>Co. No</u>	<u>Date of Dismissal</u>
1. Benard Ngari Munyi	13	3425	15 th January, 2010
2. James Evans Odhiambo	14A	3196	15 th January, 2010

Mr. Munyi was dismissed for having presented a fake diploma Certificate in Plumbing from Kenya Polytechnic. Mr. Odhiambo was equally dismissed for gaining employment in the Company by cheating that he had sat for KCSE Certificate exams at Upper Hill School Nairobi, the information the Company discovered later to be untrue. Ironically Gloria Khafafa with a similar case, but seemingly enjoying some high level protection and preferential treatment continues to be in employment while others have been dismissed by the Disciplinary Committee she herself has been a member by virtue of her being in the Legal Department.

With her integrity in question, Gloria Khafafa is currently sitting in the KPC Pension Board which is managing billions of Kenya shillings on behalf of pensioners having been appointed to represent the Management against the RBA Act, 2006, S.7. Clause 26 subsection 2 (d).

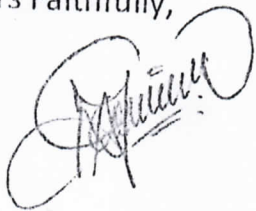
We are equally wondering how the Human Resource Department shortlisted, interviewed and finally offered a job to Gloria Khafafa with all glaring irregularities but without being subjected to integrity vetting required by the Constitution.

In the past, there have been immediate suspensions pending investigation or instant dismissal with the Security commencing investigation immediately wherever such cases were discovered. How comes we are neither hearing of any investigation having been carried out nor disciplinary action having been taken on this particular matter. Could it be a case of double standard being applied here? We are further wondering whether KPC Board of Directors is aware that Gloria is facing integrity issues.

Demand:

1. The Union demands the immediate dismissal of Gloria Khafafa within seven (7) days from the date of this letter or re-instatement of staff dismissed earlier under similar circumstances.
2. The Union further demands that Gloria Khafafa be removed from the Pension Board with immediate effect on integrity grounds.

Yours Faithfully,



Gilbert Amolo

NATIONAL GENERAL SECRETARY

Cc: - The Cabinet Secretary - Ministry of Energy & Petroleum
- The Principal Secretary - Ministry of Energy & Petroleum
- Chairman – Board of Directors - KPC

- | | |
|--------------------------------------|----------|
| - Executive Director | - FKE |
| - Secretary General | - COTU |
| - The Director | - EACC |
| - Chairman | - LSK |
| - Chief Executive Secretary | - ICPSK |
| - Secretary and Chief Executive | - KASNEB |
| - Chief Executive Officer | - RBA |
| - Chairman – Board – Audit Committee | - KPC |
| - Chairman Board Human Resource | - KPC |
| - Senior Pensions Officer | - KPC |