

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 16, 2019

The Honorable Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Cummings:

On September 10, 2019, we wrote to you and Government Operations Subcommittee Chairman Connolly requesting that you arrange transcribed interviews regarding the Washington Metropolitan Area Transit Authority (WMATA) Board's ethics investigation into then-WMATA Board Chair and current District of Columbia (DC) Councilmember Jack Evans.<sup>1</sup> You have not responded to our request. Although we appreciate that you have asked the WMATA Office of Inspector General (OIG) to examine aspects of this matter, it is not a substitute for the Committee's oversight. Because of the importance of this issue and its direct bearing on legislation before the Committee, we write to urge you to invite Mr. Evans to testify on September 19 at the Committee's hearing about DC statehood.

Under H.R. 51, the proposed legislation to provide a pathway for DC to become a state, DC's current legislative officials would be elevated to corresponding positions in a state government.<sup>2</sup> In other words, H.R. 51, if signed into law, would elevate Evans to the position of state legislator. In light of allegations that Evans exploited his official position with the DC government to engage in self-dealing for personal financial gain, Members must fully understand the nature and extent of Evans's action to properly assess and consider H.R. 51.

The Committee has received over 900 pages of documents in response to our request to WMATA. You have characterized these documents as "paint[ing] a disturbing picture of Mr. Evans's ethical transgressions."<sup>3</sup> We again would like to draw your attention to specific portions of these documents, which describe the extent of Evans's self-dealing and the lengths that Evans and another representative of DC, Corbett Price, were willing to go to in an attempt to derail the investigation into Evans's conduct.

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<sup>1</sup> See Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Mark Meadows, Ranking Member, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, and Gerald E. Connolly, Chairman, Subcomm. on Government Operations of the H. Comm on Oversight and Reform (Sept. 10, 2019) (on file with the Committee).

<sup>2</sup> See H.R. 51, 116<sup>th</sup> Cong. § 102 (2019).

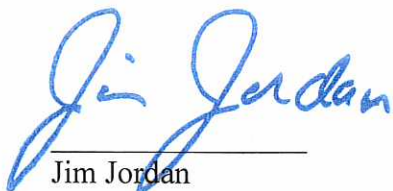
<sup>3</sup> Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, and Gerald E. Connolly, Chairman, Subcomm. on Government Operations of the H. Comm on Oversight and Reform, to Geoffrey Cherrington, Inspector Gen., Wash. Metro. Area Transit Auth. (Sept. 12, 2019).

- The documents suggest that Evans may have used his official capacity to urge a WMATA OIG investigation into a vendor that competed with Evans's client. Other documents suggest that Evans sought to provide off-hours access to WMATA facilities to another client, who was a competitor to WMATA for advertising revenue at the time.
- The documents also suggest that Evans and Corbett Price, who served until recently on the WMATA Board, may have sought to obstruct the investigation and conceal the results. Documents reflect that Evans made threats "specifically against [WMATA's] Board Secretary and General Counsel, whose jobs were threatened because they were supporting the [investigation] per [the] direction [of ethics committee chair Clarence Crawford]." <sup>4</sup>
- Other documents reflect that "[r]epeated attempts by [ethics chair Crawford] to brief [the] full board [were] scuttled . . ." because "[e]ach time DC [representatives] threatened staff, process, leaks, [and] not participating to scuttle quorum." <sup>5</sup> According to another document dated just after the ethics committee reached a decision about Evans's violations, "Threats & yelling continue. . . . [WMATA General Counsel] Patty [Lee] getting repeat calls from Jack & Corbett." <sup>6</sup>


Evans is the DC Council's longest-tenured member. In fact, Evans is the only current Councilmember who served on the Council during DC's fiscal crisis in the 1990s. Until he was recently removed by his fellow members, Evans served as the chairman of the Council's powerful finance committee. Evans has direct and unique knowledge about the state of DC government and its fiscal health, and the ability of current officials to represent the interests of DC residents.

As our Committee considers legislation concerning DC Statehood, the Committee must fully assess the cloud of scandal surrounding DC Councilmember Jack Evans. We urge you to invite him to testify at the hearing you have noticed for September 19, 2019. We look forward to hearing from you soon about this important request. Thank you for your attention to this matter.

Sincerely,



Jim Jordan  
Ranking Member



Mark Meadows  
Ranking Member  
Subcommittee on Government Operations

Enclosures

<sup>4</sup> Doc. No. WMATA-C0000098 (on file with the Committee).

<sup>5</sup> Doc. No. WMATA-C0000323 (on file with the Committee).

<sup>6</sup> Doc. No. WMATA-C0000300 (on file with the Committee).

The Honorable Elijah E. Cummings

September 16, 2019

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cc: The Honorable Gerald E. Connolly  
Chairman  
Subcommittee on Government Operations

The Honorable Jack Evans  
Councilmember  
District of Columbia



## Board Exec Session

Tuesday, May 14

### Ethics Committee Rollout

- The Committee reached consensus on its conclusions, but is divided on the rollout.
- Last week two draft statements were prepared: a short version, which is what Jack is comfortable with, and would be supported by half of the Ethics Committee.
- And a longer draft, which I am comfortable with, and is supported by half of the Ethics Committee.
- In considering the balance between the interests of our Colleague and the interests of the Authority, we also must consider the fiduciary duties of all Board members, as the roll out will reflect on all of us.
- Today, I seek your counsel before the Ethics Committee proceeds.

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You also need to be aware that this process has been difficult, and that Mr. Evans has made threats to publicly criticize the Board, the Ethics Committee, the staff, and the outside counsel who supported the ethics investigation.

He has raised three issues:

1. **Leak about the initiation of the investigation** – which was not a leak, but rather a press statement I authorized staff to make per the Code. (His threat was to “get” the leaker.)
2. **Competency of staff** – specifically against our Board Secretary and General Counsel, whose jobs were threatened because they were supporting the process per my direction, which I have documented in the event a claim is brought against the Board or there is a need for records at a future date.
3. **Inadequacy of process** – In order to have as tight and impartial a process as possible, and understanding the profile and sensitivity of this matter, every step benefitted from advice from outside counsel investigating the ethics code violations, our General Counsel, and from [REDACTED] (who drafted the Code).



Board Ethics Committee find violations. Verball  
Deal w/ Jack that he update 16-19 disclosure  
& not continue as chair. Jack told  
by Ethics Chair to make his intentions  
Public by May 9. Didn't happen

Repeated attempts by Oz to Bring  
Full Board scuttled - May 9 &  
May 13 (posted & taken down 5.12).  
Each time DC threatened staff,  
process, leaks, not participating to  
scuttle quorum

Current Sitrep: Jack to announce formation  
of non com May 23. Say he will  
not serve as chair post 6.30.  
Next day, investigation closed/resolved



May 9 / afternoon / C<sup>3</sup> by phone  
Roll out disagreement Jack / Corbett - no statement  
C<sup>3</sup> / Paul S - statement <sup>puller</sup>

Summarize for non-con members / ask their counsel on roll out since it reflects on all.

- TPs
- 1) Consensus re conclusion
  - 2) Split on roll out (public or private) <sub>next step</sub>
  - 3) implications for indiv v. WMATA
  - 4) Fiduciary duties (article 11)

- calling 1) Paul  
2) David  
3) Corbett

- Then 4) Christian  
5) Mike  
6) Steve

\* Option - memo to Evans like  
? Journey

4<sup>PM</sup> Threats & yelling continue  
Pattar getting repeat calls from Jack & Corbett. Not returning. Called on walk back from event.