

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

September 10, 2019

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

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Cummings and Chairman Connolly:

We write to urge you to seek transcribed interviews relating to the Washington Metropolitan Area Transit Authority (WMATA) Board's ethics investigation into then-WMATA Board Chair Jack Evans.¹ The information produced to the Committee to date suggests that Evans, a District of Columbia (DC) Councilmember, attempted to exploit his position on the WMATA Board for his personal financial benefit. The Committee must conduct additional fact-finding, especially as it relates to several upcoming legislative and oversight matters.

We would like to draw your attention to specific portions of the WMATA documents, which you possess in their entirety.

- The documents suggest that Evans may have used his official capacity to urge an inspector general 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, another representative of the District of Columbia 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]."²

¹ 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 Paul Smedberg, Chair, Washington Metropolitan Transit Authority Board of Directors (Jul. 16, 2019) (on file with the Committee).

² Doc. No. WMATA-C0000098 (on file with the Committee).

- 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.”³ 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.”⁴

The Committee has jurisdiction over WMATA due to its status as an intergovernmental compact between Maryland, Virginia, and the District of Columbia, as well as the municipal affairs of the District of Columbia generally.⁵ This investigation has a direct bearing on matters currently before the Committee, including the announced hearings on statehood for the District of Columbia and WMATA oversight.⁶ Therefore, to allow the Committee to fully understand the circumstances of the WMATA investigation and Evans’s actions, we respectfully urge you to seek transcribed interviews with the following individuals:

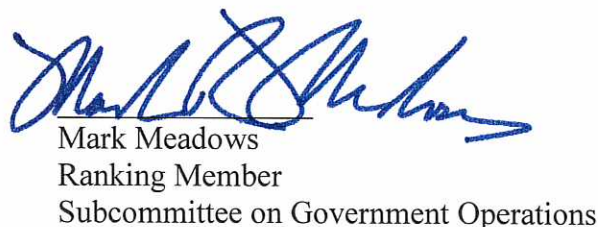
1. Mr. Clarence Crawford, former WMATA Board First Vice Chair
2. Ms. Lynn Bowersox, WMATA Assistant General Manager
3. Ms. Jennifer Ellison, WMATA Board Corporate Secretary
4. Ms. Patricia Lee, WMATA General Counsel
5. Mr. Jack Evans, former WMATA Board Chair

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

Enclosure

³ Doc. No. WMATA-C0000323 (on file with the Committee).

⁴ Doc. No. WMATA-C0000300 (on file with the Committee).

⁵ See House Rule X(4)(c)(1)(C); see also House Rule X(1)(n)(2).

⁶ See Jenna Portnoy, *New date Set for D.C. Statehood Hearing in U.S. House*, WASH. POST (Jul. 29, 2019), https://www.washingtonpost.com/local/dc-politics/new-date-set-for-dc-statehood-hearing-in-us-house/2019/07/29/657bdf2c-b220-11e9-8ac8-f125a8541315_story.html (reporting the Committee will hold a hearing on D.C. statehood on September 19th); see also Fenit Nirappil, *Republicans in Congress Seek Records on Metro Ethics Probe of Jack Evans*, WASH. POST (Jul. 16, 2019), https://www.washingtonpost.com/local/dc-politics/republicans-in-congress-seek-records-on-wmata-ethics-probe-of-jack-evans/2019/07/16/3e8c2afc-a7e9-11e9-a3a6-ab670962db05_story.html (“Rep. Gerald E. Connolly (D-Va.) . . . said in a statement that he . . . would work with Meadows and Jordan as they prepare for a hearing on Metro in September.”).

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September 10, 2019

TO: Members of the Committee

FROM: Republican Committee Staff

SUBJECT: Interim update on the investigation into the Washington Metropolitan Area Transit Authority's handling of the Jack Evans ethics matter

On July 16, 2019, Ranking Member Jordan and Ranking Member Meadows initiated an investigation into the Washington Metropolitan Transit Authority's (WMATA) handling of an internal ethics investigation into former WMATA Board of Directors Chair Jack Evans.¹ Among other allegations, Evans was reported to have exploited his position on the WMATA Board and the Council of the District of Columbia (DC Council) to advance the interests of his consulting and legal clients at the expense of District of Columbia (DC), Maryland, and Virginia taxpayers.

To date, the WMATA Board has provided 136 documents totaling approximately 981 pages in response to Ranking Member Jordan's and Ranking Member Meadows's request. These documents suggest that Evans was ethically compromised and that he sought and obtained personal financial benefit in return for official actions. These documents also raise questions about the behavior of Evans and other members of the WMATA Board during the ethics committee investigation, including that Evans and another DC representative on the WMATA Board may have made threats to WMATA staff in an attempt to derail the investigation.

Because of widespread interest on this topic, this memorandum is intended to inform Members of the information uncovered by the investigation thus far, and to identify areas where further inquiry is needed.

¹ 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 Paul Smedberg, Chair, Washington Metropolitan Transit Authority Board of Directors (Jul. 16, 2019) (on file with the Committee).

I. Background

On March 11, 2019, the WMATA Board ethics committee opened an investigation into the conduct of then-WMATA Board Chair Jack Evans during his time in office.² This investigation was chaired by then-WMATA Board First Vice Chair Clarence Crawford.³ Media reports had accused Evans of exploiting his position for personal gain.⁴ If substantiated, these allegations would constitute violations of applicable WMATA Board ethical standards.⁵

Pursuant to the WMATA Code of Ethics, the ethics committee engaged an outside law firm, Schulte Roth & Zabel, to investigate the allegations.⁶ The WMATA ethics committee directed Schulte Roth & Zabel to perform “an expedited investigation focused on Evans’s conduct as a WMATA Board Member as governed by the WMATA Code of Ethics and the WMATA Compact.”⁷ Schulte Roth & Zabel’s investigation did not delve into potential violations that Evans may have committed with respect to applicable ethics standards of the DC Council or potential violations of federal or DC law.⁸

Schulte Roth & Zabel’s investigation lasted approximately six weeks, and included the review of approximately 700 documents and interviews with nine individuals, including Evans.⁹ The investigation culminated in a memorandum to the file dated May 20, 2019. In this memorandum, Schulte Roth & Zabel found sufficient evidence to conclude that Evans had knowingly violated multiple provisions of the WMATA Code of Ethics and the WMATA Compact in three separate instances. After the firm reported its findings to the ethics committee, the committee found Evans had violated the WMATA Board ethics code with respect to one instance identified by Schulte Roth & Zabel while failing to reach a conclusion on the other two.¹⁰ Ultimately, Evans resigned from the WMATA Board effective June 27, 2019.¹¹

² Letter from Clarence Crawford, Ethics Committee Chair, WMATA Board of Directors, to The Honorable Larry Hogan, Governor of Maryland, and The Honorable Ralph S. Northam, Governor of Virginia (Jun. 17, 2019).

³ *Id.*

⁴ See, e.g., Steve Thompson, *In Business Proposals, D.C. Council Member Jack Evans Pitched Influence to Legal and Lobby Firms*, WASH. POST (Mar. 2, 2019), https://www.washingtonpost.com/local/dc-politics/in-business-proposals-dc-council-member-jack-evans-pitched-influence-to-legal-and-lobby-firms/2019/03/01/1f990d50-3aa6-11e9-a06c-3ec8ed509d15_story.html.

⁵ See, e.g., WASH. METRO. TRANSIT AUTH., CODE OF ETHICS FOR MEMBERS OF THE WMATA BOARD OF DIRECTORS (2016), <https://www.wmata.com/about/board/upload/Code-of-Ethics-Approved-2016-11-17.pdf> [hereinafter, WMATA Code of Ethics]; see also WASH. METRO. TRANSIT AUTH., WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT (2009), https://www.wmata.com/about/board/upload/Compact_Annotated_2009_final.pdf [hereinafter, WMATA Compact].

⁶ *Id.*; Memorandum from Adam Hoffinger and Jeffrey F. Robertson, Schulte Roth & Zabel, to the File (May 20, 2019) (on file with the Committee) [hereinafter, SRZ Memo].

⁷ SRZ Memo, *supra* note 6, at 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter from Clarence Crawford, *supra* note 2.

¹¹ Robert McCartney, *Jack Evans to Resign From Metro Board After Probe Shows he ‘Knowingly’ Violated Rules*, WASH. POST (Jun. 20, 2019), https://www.washingtonpost.com/local/trafficandcommuting/jack-evans-knowingly-violated-rules-in-pattern-of-conduct-to-help-friends-and-clients-law-firm-says-in-report/2019/06/20/2f144fa6-936b-11e9-b570-6416efdc0803_story.html.

II. Evidence of Evans's unethical conduct

As a member of the WMATA Board, Evans was subject to the ethical standards contained in both the WMATA Code of Ethics and the WMATA Compact. The WMATA Code of Ethics requires WMATA Board members to:

[A]ct in the best interests of WMATA and their respective Jurisdiction in carrying out their duties as Members of the Board, rather than in the Member's interest or in the interest of another person or organization with which the Members are personally associated with. Board Members also shall not engage in conduct that would bring discredit upon WMATA.¹²

The WMATA Code of Ethics also requires members to “avoid conflicts of interest or the appearance thereof and place ethical principles and compliance with the law above private gain and personal interest inconsistent with their responsibility to WMATA and to their respective Jurisdiction.”¹³ The WMATA Compact similarly requires that no employee, officer, or director may:

- (1) be financially interested, either directly or indirectly in any contract, sale, purchase, lease or transfer of real or personal property to which the Board or the Authority is a party;
- (2) in connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;
- (3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Authority.¹⁴

1. *Evans's relationship with Colonial Parking*

The first of three instances in which Evans engaged in conduct likely prohibited by the WMATA Code of Ethics and the WMATA Compact relates to his relations with Colonial Parking. Documents produced to the Committee show that Evans agreed to provide “strategic” transportation advice to the parent company of Colonial Parking, which provides parking services in the metropolitan Washington region. In fact, other documents suggest that Evans may have used his authority to request that the WMATA Inspector General (IG) open an investigation into WMATA's current parking vendor, LAZ Parking (LAZ)—a competitor of Colonial Parking—and that Evans informed Colonial Parking's executives about his actions.

In October 2016, Colonial Parking became a consulting client of Evans through its parent company, The Forge Company. In a service agreement between Evans and The Forge Company

¹² WMATA Code of Ethics, *supra* note 3, at 1.

¹³ *Id.* at 2.

¹⁴ WMATA Compact, *supra* note 3, at 4.

dated October 1, 2016, Evans agreed to provide “information and advice regarding the metropolitan Washington, D.C. business community, including strategic issues relating to jurisdictional competition, transportation, and real estate, including landlord introductions and, where requested, liaising with landlords.”¹⁵ The service agreement sets Evans’s compensation at \$25,000 per year, plus expenses.¹⁶ Evans and The Forge Company entered into a second service agreement dated February 20, 2017.¹⁷ This second agreement required Evans to render the same services, but increased his compensation to \$50,000 per year, plus expenses.¹⁸ Both agreements were signed by The Forge Company’s Chairman and Chief Executive Officer, Russell Lindner.¹⁹

Evans’s agreement to provide “information and advice regarding . . . transportation” creates the potential for a conflict with his obligations under the WMATA Code of Ethics and WMATA Compact because WMATA contracts with private companies, like Colonial Parking, to manage the parking facilities at WMATA locations.²⁰ While Evans’s service agreements with The Forge Company explicitly considers the possibility that he would have to recuse himself from certain DC Council matters due to the consulting relationship, no similar clause exists for WMATA Board matters.²¹ At minimum, the inclusion of this clause as it relates to the DC Council shows that Evans was or should have been aware of the potential for conflicts of interest arising from his consulting business and that he did not act to address this potential with respect to matters before the WMATA Board.

Documents suggest that Evans may have violated WMATA’s ethics standards by using his official position in an attempt to affect WMATA’s relationship with LAZ Parking. In 2017, after Colonial Parking agreed to increase Evans consulting retainer to \$50,000 per year, Evans successfully persuaded the WMATA IG to open an investigation into LAZ and WMATA’s parking portfolio.²² This followed a similar investigation by a different WMATA IG into the same topic that was closed in December 2016.²³ On July 27, 2017, the WMATA IG issued a memorandum to the WMATA Board stating that because an earlier Request For Proposal (RFP) had been rescinded, the parking director had been fired, and the new office responsible for parking had no plans to issue a new RFP, the IG planned to take no further investigative action.²⁴

¹⁵ Service Agreement Between Jack Evans and The Forge Company § 1(a) (Oct. 1, 2016) (on file with the Committee) [hereinafter, Colonial 2016 Agreement].

¹⁶ *Id.* at § 2.

¹⁷ Service Agreement Between Jack Evans and The Forge Company (Feb. 20, 2017) (on file with the Committee) [hereinafter, Colonial 2017 Agreement].

¹⁸ *Id.* at § 2.

¹⁹ See Colonial 2016 Agreement; *see also* Colonial 2017 Agreement.

²⁰ SRZ Memo, *supra* note 6, at 9.

²¹ See Colonial 2016 Agreement § 1(e); Colonial 2017 Agreement § 1(e).

²² SRZ Memo, *supra* note 6, at 10. The Schulte Roth & Zabel investigation determined that this request was made to Geoffrey Cherrington. *See Id.* Cherrington took office as the WMATA IG on April 17, 2017. *See* Robert McCartney, *Metro’s New Watchdog: ‘Where There’s Money, There’s Often Fraud, and if it Exists, We Want to Find It*, WASH. POST (May 10, 2017), https://www.washingtonpost.com/local/trafficandcommuting/metros-new-watchdog-where-theres-money-theres-often-fraud-and-if-it-exists-we-want-to-find-it/2017/05/10/e65e4364-34c8-11e7-b4ee-434b6d506b37_story.html. Evans’s second consulting agreement that boosted his compensation to \$50,000 per year was signed on February 20, 2017. *See* Colonial 2017 Agreement.

²³ SRZ Memo, *supra* note 6, at 9.

²⁴ Memorandum from Geoffrey Cherrington, Inspector General, WMATA, to the WMATA Board (Jul. 27, 2017) (on file with the Committee).

Apparently not satisfied with the first two investigations into LAZ, Evans emailed the WMATA IG in August 2017 requesting a meeting about allegations of missing funds that Evans had leveled against LAZ.²⁵ This request occurred just one week after the IG closed the second investigation into LAZ. The WMATA IG responded that he was out of the country on a family vacation but would meet with Evans after his return.²⁶

The next day, the WMATA IG again responded to Evans, writing: “I have reviewed the new information . . . and we are opening an investigation and assigning it to a special agent. We will keep you apprised of the results. . . .”²⁷ Evans forwarded this email Lindner, the Chairman and CEO of Colonial Parking, just 21 minutes after he received it from the WMATA IG.²⁸ Evans had also forwarded to Lindner the IG’s earlier email, in which the IG agreed to meet and discuss the issue.²⁹ Evans’s apparent attempts to dislodge or impair LAZ’s status as a parking vendor for WMATA through multiple IG investigations occurred after representatives of Colonial Parking attended a bidders meeting for a parking contract, suggesting that Colonial was actively trying to win business from WMATA.³⁰

2. Evans’s additional consulting relationships

Evans’s work on behalf of outside companies seeking to do business with WMATA was not isolated to Colonial Parking. Documents produced to the Committee suggest that Evans sought to provide another client, Digi Outdoor Media and Digi Outdoor Communications (Digi), an advertising company specializing in digital signs and billboards, with nonpublic access to WMATA facilities at a time when Digi was a competitor to WMATA for advertising revenue.

In August 2016, Evans engaged in a consulting arrangement with Digi.³¹ The service agreements between Evans and Digi set his total annual compensation from the two companies at \$50,000.³² Following the signing of the agreements, Evans received two checks from Digi Media Communications, LLC dated August 11, 2016, with each made out for \$25,000.³³

²⁵ Email from Jack Evans, Chair, WMATA Board, to Geoffrey Cherrington, Inspector General, WMATA (Aug. 3, 2017, 1:58 p.m. EDT) (on file with the Committee).

²⁶ Email from Geoffrey Cherrington, Inspector General, WMATA, to Jack Evans, Chair, WMATA Board (Aug. 3, 2017, 6:48 p.m. EDT) (on file with the Committee).

²⁷ Email from Geoffrey Cherrington, Inspector General, WMATA, to Jack Evans, Chair, WMATA Board (Aug. 4, 2017, 12:25 p.m. EDT) (on file with the Committee).

²⁸ Email from Jack Evans, Chair, WMATA Board, to RC Lindner, Chairman and CEO, The Forge Company (Aug. 4, 2017, 12:46 p.m. EDT) (on file with the Committee).

²⁹ Email from Jack Evans, Chair, WMATA Board, to Rusty Lindner, Chairman and CEO, The Forge Company (Aug. 4, 2017, 12:16 a.m. EDT) (on file with the Committee).

³⁰ See September 15 Bidders Meeting Sign-In Sheet (Sept. 15, 2016) (showing Jim Proctor of Colonial Parking as being in attendance) (on file with the Committee).

³¹ Service Agreement Between Jack Evans and Digi Outdoor Media (Aug. 1, 2016) (on file with the Committee) [hereinafter, Digi Media 2016 Agreement]; Service Agreement Between Jack Evans and Digi Outdoor Communications (Aug. 1, 2016) (on file with the Committee) [hereinafter, Digi Communications 2016 Agreement].

³² See Digi Media 2016 Agreement § 2(a); see also Digi Communications 2016 Agreement §2(a).

³³ Check No. 1217 from Digi Media Communications LLC for \$25,000 to Jack Evans (Aug. 11, 2016) (on file with the Committee); Check No. 1218 from Digi Media Communications LLC for \$25,000 to Jack Evans (Aug. 11, 2016) (on file with the Committee).

Documents suggest that Evans may have used his official position for Digi's benefit. On August 18, 2016, a member of Evans's DC Council office staff emailed a WMATA official seeking to facilitate after-hours access to certain WMATA stations for Digi to install signs.³⁴ In the course of its investigation, Schulte Roth & Zabel discovered "that during this same period of time WMATA was taking steps to erect its own digital signs and was competing with Digi for advertising revenue."³⁵ In other words, Digi, Evans's client, was actively competing with WMATA at a time when Evans appears to have sought to allow Digi nonpublic access to WMATA facilities. Shortly thereafter, Evans sought to void the consulting arrangement and returned the two \$25,000 checks to Digi due to a potential conflict between the companies and the DC government.³⁶ However, Evans later received a stock certificate granting his consulting company 200,000 shares in Digi Outdoor Media dated October 28, 2016.³⁷ Evans has asserted that he returned the stock certificate.³⁸

In total, according to Schulte Roth & Zabel's investigation, Evans appears to have had consulting arrangements with at least ten companies that would have paid him approximately \$325,000.³⁹ At least one of Evans's consulting clients was a current vendor for WMATA, while others actively sought to do business with WMATA.⁴⁰ Evans did not disclose any of these relationships to WMATA on his annual ethics disclosure forms, instead simply listing his consulting company as a source of external income.⁴¹

3. Evans's plan to sell access based on his WMATA position

Documents produced to the Committee also suggest that Evan may have sought to use his position on the WMATA Board to advance his business opportunities. In January 2018, Evans and a lawyer at the law firm Nelson Mullins (with whom Evans had a previous relationship) formulated a business development plan designed to pitch Evans as a possible addition to the firm.⁴² The final version of the business development plan stated explicitly in several places that Evans intended to monetize his then-position as Chair of the WMATA Board and a member of the DC Council. For example, the plan characterized Evans's plan as one "to originate new government relations and legal business . . . [by] contacting my network of business relationships developed as an elected official, as the Chairman of WMATA, and through my professional and personal affiliations and relationships."⁴³

³⁴ Email from Thomas Lipinski, Director of Communications, Office of Councilmember Jack Evans to Barbara Richardson (Aug. 18, 2016, 11:12 a.m. EDT) (on file with the Committee); SRZ Memo, *supra* note 6, at 13.

³⁵ SRZ Memo, *supra* note 6, at 13.

³⁶ Letter from Jack Evans to Donald MacCord, Founder and Principal, Digi Outdoor Media Inc. (Aug. 25, 2016) (on file with the Committee).

³⁷ Stock Certificate No. 318 (Oct. 28, 2016) (naming NSE Consulting as the record holder of 200,000 shares) (on file with the Committee).

³⁸ SRZ Memo, *supra* note 6, at 13.

³⁹ *Id.* at 14.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Email from Rob Hawkins, Of Counsel, Nelson Mullins Riley & Scarborough LLP, to Jack Evans (Jan. 29, 2018, 6:58 p.m. EST) (on file with the Committee); SRZ Memo, *supra* note 6, at 16.

⁴³ Jack Evans 2018 Business Development Strategy 1 (2018) (on file with the Committee).

In a section specific to his service as the WMATA Board chair, the business development plan stated, “Given the centrality of the subway system to the economic well-being of the tri-state region, I am very well connected to political and business leaders across the area.”⁴⁴ In another place, the business development plan stated that Evans proposed to “cross-market[] [his] relationships and influence to Nelson Mullins clients.”⁴⁵ Prospective clients that Evans identified in his business development plan included companies that were active vendors to WMATA and companies that sought to do business with WMATA.⁴⁶

III. Evans’s efforts to impede the WMATA ethics investigation

In the course of the ethics committee’s investigation into the allegations against Evans, there is evidence that both Evans and an ally may have sought to obstruct the investigation through threats to WMATA staff and other actions. For instance, in preparation for a meeting of the ethics committee planned for May 14, 2019, ethics committee chair Clarence Crawford had notes prepared for him, which appear to be comments that Crawford planned to make to the other members of the ethics committee.

Crawford’s notes state that other members of the ethics committee “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.”⁴⁷ This same document also stated that Evans characterized a press statement authorized by Crawford as a “leak,” and “[Evans’s] threat was to ‘get’ the leaker.”⁴⁸ Further, the document suggested that Evans made threats, “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 need for records at a future date.”⁴⁹

These threats are documented in other materials provided to the Committee. In handwritten notes identified as belonging to Crawford, an entry dated “5/8/19” stated, “Learned that Jack threatened the jobs Patty & Jenny [sic] because they would release the [ethics committee] announcement.”⁵⁰ In additional handwritten notes from the same series dated “5/9/19,” Crawford appears to be documenting a discussion that he had with Evans, writing: “He want [sic] to find out who release info [sic] investigation to the press because he wants to get them.”⁵¹ In more notes from the same series dated “5/13/19,” Crawford wrote, “5/8/19. Jack –

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* at 3; SRZ Memo, *supra* note 6, at 17.

⁴⁷ Doc. No. WMATA-C0000098.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Doc. No. WMATA-C0000270. The notes are not clear on the identities of “Patty” and “Jenny”; Patricia Lee is WMATA’s General Counsel and Jennifer Green-Ellison is the WMATA Board Corporate Secretary.

⁵¹ Doc. No. WMATA-C0000272.

Jennifer. Be careful you could be next. ‘Hair on the back of your neck stands up.’”⁵² The precise meaning of these notes is not entirely clear; however, “Jack” likely refers to Evans.

Handwritten notes identified as belonging to WMATA Assistant General Manager Lynn Bowersox also appear to corroborate these threats. For instance, in notes dated May 8, Bowersox wrote, “Corbett & Jack repeatedly called Jennifer & Patty – including interrupting [meetings] in Patty’s [office] & CR 204. Patty advised Jack threatening her job & Jennifer’s. Paul confirmed Jack critical of Patty & making tough statements.”⁵³ While not certain, “Corbett” could refer to Corbett Price, another representative of DC who served until recently on the WMATA board. In notes dated the afternoon of May 9, Bowersox wrote, “Threats & yelling continue. 4 p.m. Patty getting repeat calls from Jack & Corbett. Not returning. . . .”⁵⁴

In addition to threatening staff, the documents seem to suggest that Evans and Price also may have attempted to deprive the WMATA Board of a quorum to prevent Crawford from briefing the full board of the ethics committee’s findings. In notes belonging to Bowersox dated May 10, she wrote, “AM. Call w/ Patty & Clarence – he will convene an exec. session of full board . . . to discuss rollout. . . .”⁵⁵ In notes dated May 12, Bowersox wrote, “12:00 [Crawford] called—Jack Evans displeased [meeting] called. DC planning not to send reps. [Crawford] plans to meet w/ individuals if no quorum.”⁵⁶

The WMATA bylaws require “the presence of four Directors, including one appointed by each of the District of Columbia, Maryland and Virginia.”⁵⁷ Because at least one representative from each jurisdiction must be present for a quorum, any jurisdiction may boycott a meeting and prevent a quorum from existing. The notes, as provided to the Committee, appear to suggest that the DC representatives sought to prevent two meetings relating to the Evans investigation from occurring by boycotting the meetings. In undated notes belonging to Bowersox, she wrote, “Repeated attempts by [Crawford] to brief full board scuttled—May 9 & May 13. . . . Each time DC threatened staff, process, leaks, not participating to scuttle quorum.”⁵⁸

IV. Conclusion

Allegations of Evans unethical conduct were substantiated by the WMATA Board ethics committee, leading to Evans’s resignation as a member of that board.⁵⁹ However, the WMATA Board ethics committee did not investigate attempts by Evans and others to obstruct the investigation. These efforts may have included DC’s other representative to the WMATA Board at the time, Corbett Price. The concerted effort by a jurisdiction to derail an investigation to protect one of its own should be investigated thoroughly to ensure Committee Members are in

⁵² Doc. No. WMATA-C0000274.

⁵³ Doc. No. WMATA-C0000298. The identity of “Paul” is unclear; however Paul Smedberg was a Virginia representative to WMATA at the time.

⁵⁴ Doc. No. WMATA-C0000300.

⁵⁵ Doc. No. WMATA-C0000317.

⁵⁶ Doc. No. WMATA-C0000318.

⁵⁷ WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, BYLAWS § 8 (Jul. 28, 2018), <https://www.wmata.com/about/board/upload/WMATA-Board-Bylaws-Adopted-6-28-2018.pdf>.

⁵⁸ Doc. No. WMATA-C0000323.

⁵⁹ See Letter from Clarence Crawford, *supra* note 2; see also Robert McCartney, *supra* note 11.

possession of all available information, particularly in light of upcoming hearings announced by Chairman Cummings to consider DC statehood. Staff recommends continuing this investigation and seeking additional information through transcribed interviews of the key individuals involved in this matter.

If you have any questions about this investigation into WMATA's handling of the Jack Evans matter, please contact Republican Committee staff at (202) 225-5074.