

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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July 16, 2019

Mr. Paul Smedberg
Chair, Board of Directors
Washington Metropolitan Area Transit Authority
600 5th Street, NW
Washington, DC 20001

Dear Mr. Smedberg:

On June 17, 2019, the Washington Metropolitan Area Transit Authority (WMATA) Board's ethics committee released a letter detailing the findings of its investigation into the conduct of then-WMATA Board Chair Jack Evans.¹ Among other accusations, Evans allegedly exploited his position on the WMATA Board and the D.C. Council to advance the interests of his personal clients at the expense of District of Columbia (D.C.), Maryland, and Virginia taxpayers. We write to request more information about the conduct of former Chair Evans, who had said that D.C. has "pulled [its] act together" and is ready to become a state.²

Pursuant to the WMATA Board's ethics code, the ethics committee directed WMATA to retain an outside law firm to conduct an independent investigation. The law firm concluded that Evans had committed several violations relating to his duty of loyalty to the WMATA Board, his duty to avoid conflicts of interest, and his obligation to not use his office for personal gain.³ Although the ethics committee stated that its findings were "based upon the fulsome results of the investigation including: review of documents, presentations, records, and supporting materials,"⁴ WMATA officials have said that a report documenting the probe and the evidence collected "does not exist."⁵ The apparent lack of documentation about the investigation raises questions about whether this effort was a genuine one, or simply a whitewash.

¹ See Letter from Clarence C. Crawford, Chair, WMATA Board Ethics Committee, to Larry Hogan, Governor, State of Maryland, and Ralph S. Northam, Governor, Commonwealth of Virginia (Jun. 17, 2019) (on file with the Committee).

² Memorandum from Adam Hoffinger and Jeffrey F. Robertson, Schulte Roth & Zabel, to the File (May 20, 2019) (on file with the Comm.); Aaron C. Davis, *D.C. Statehood Measure Approved for November Ballot*, WASH. POST (Jul. 12, 2016), https://www.washingtonpost.com/local/dc-politics/dc-statehood-measure-approved-for-november-ballot/2016/07/12/5da6eec4-484f-11e6-90a8-fb84201e0645_story.html.

³ Letter from Clarence C. Crawford, *supra* note 1.

⁴ *Id.*

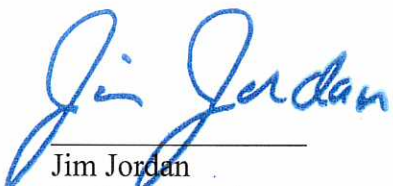
⁵ See, e.g., Robert McCartney, *Metro's Clumsy Jack Evans Probe Would Be Laughable, Except the Stakes are so High*, WASH. POST (Jun. 18, 2019), https://www.washingtonpost.com/local/trafficandcommuting/metros-clumsy-jack-evans-probe-would-be-laughable-except-the-stakes-are-so-high/2019/06/18/224e9b36-91f5-11e9-aadb-74e6b2b46f6a_story.html.

The Committee conducts oversight of WMATA and its operations as an intergovernmental compact between Maryland, Virginia, and D.C., and the municipal affairs of D.C. generally.⁶ To help us understand the nature, scope, and conclusions of the ethics committee's investigation into Evans's conduct, we ask that you please provide the following documents and information:

1. All documents and communications referring or relating to the investigation into Evans's conduct, including but not limited to, any findings, memoranda, presentations, records, interviews (including interview transcripts, interview summaries, or memoranda of interviews), supporting materials, and underlying evidence; and
2. All documents and communications referring or relating to the WMATA Board's ethics committee's decision to not produce written findings other than the letter from the committee chair dated June 17, 2019.

Please provide this information as soon as possible but no later than 5:00 p.m. on July 30, 2019. If you have any questions about this request, please contact Committee staff at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations

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

⁶ See, e.g., *Examining the Safety and Service of D.C. Metro: Hearing Before the H. Comm. on Oversight and Government Reform*, 114th Cong. (2016); see also House Rule X(4)(c)(1)(C); see also House Rule X(1)(n)(2).