



December 8, 2022

Dear Chair Smedberg and Members of the Board of Directors:

On September 10, 2019, the Washington Metropolitan Area Transit Authority, Office of Inspector General (OIG) received a letter from Board Chairman Paul C. Smedberg, in his capacity as Chairman of the Board's Ethics Committee (the Committee), regarding the Committee's investigation into alleged violations of the Board's Code of Ethics by certain Board members.

In his letter, Chairman Smedberg requested that OIG conduct sufficient fact finding to address each of the allegations listed below, in order to assist the Committee's review of allegations that certain then or former Board members – namely, Jack Evans, Corbett Price, and David Horner – violated the Code of Ethics by their conduct during the prior Committee consideration of previous allegations against Jack Evans.

The factual findings provided below are solely those of OIG based on the results of OIG's investigation and in no way represent conclusions of any other agency that investigated this, or any other matter associated with Jack Evans. It should also be noted that Corbett Price, former WMATA Board member, did not agree to be interviewed as part of the investigation.

Allegation 1: The efforts by one or more of Messrs. Evans, Price, and Horner to keep confidential from other Board members the finding that Mr. Evans violated the Code of Ethics.

1. Describe if information regarding the finding was not made available to other Board members upon their request.

This review found no evidence that the findings of the Committee were not made available to the full Board. However, Evans stated in several instances that he wanted the findings contained to the Committee and not released publicly. Price too made several statements and communicated with WMATA staff in support of Evans' desire to keep the findings of the investigation within the Committee. Although Horner sided with Evans and Price on process issues, this review found no evidence that Horner made any overt efforts to keep the Committee's findings from other Board members.

Washington
Metropolitan Area
Transit Authority

Office of Inspector General
500 L'Enfant Plaza, SW
Suite 800
Washington, DC 20024
202-962-2400

- 2. If any of the above Board members sought to keep the investigation results confidential, provide the facts necessary for the Ethics Committee to determine whether he did so in a manner that violated the Code of Ethics, or (if applicable) in a manner inconsistent with his duties as a member of the Ethics Committee.**

Jack Evans

Throughout the Committee's inquiry and subsequent public statements concerning the Committee's finding that Evans violated the Board's Code of Ethics, Evans attempted to explain his misconduct to Committee members in an effort to minimize the seriousness of it. These actions were within the proper scope of his defense to the allegations. The Committee retained the law firm of Schulte, Roth, & Zabel (SRZ) to conduct the investigation and make public the findings at the conclusion of the investigation. According to Board members and WMATA personnel involved in this matter, Evans repeatedly questioned the legitimacy of the inquiry, asserting that the inquiry should have been handled "in-house," that the SRZ report should not be provided to the full Board, and that the Committee's findings should not be made public. According to a witness, Evans and his attorney contacted the witness repeatedly after the SRZ report was issued and complained about the process.

Following the Committee's findings that he violated the Board's Code of Ethics, Evans stated in a Board meeting that he was stepping down as Chairman so another jurisdiction could Chair the Board. Evans was supposed to announce he was resigning as Chairman because of the results of the investigation, according to an understanding reached between him and the Board. His statement about why he was resigning was misleading, false, and was contrary to his understanding with the Board. The Board and Clarence Crawford, former Ethics Committee Chair, subsequently issued a public statement clarifying that Evans had violated the Board's Code of Ethics. Following a May 7, 2019 Board meeting, Evans sought to have WMATA issue a statement announcing that the investigation had concluded but without any statement that the Board had found a violation.

Corbett Price

Multiple requests were made to interview former Board member Corbett Price. OIG did not receive any response to our requests. Price resigned from his position on the Board on August 30, 2019. Price supported the finding that Evans committed an ethics violation. However, according to witnesses interviewed, Price was aligned with and supportive of Evans throughout the Committee's inquiry. Price disagreed with the investigative process and how the findings of the Committee were recorded and reported to the full Board. At one point during the May 7, 2019 Board meeting, Price referred to the ethics inquiry as a "kangaroo court."

This review found no evidence that Price made threats of any kind against WMATA personnel involved in this matter. However, throughout the Committee's inquiry,

Price, a member of the Committee, repeatedly questioned the process and the need for a formal investigation by an outside entity. He also opposed making the Committee's findings public. According to a witness, even though Price agreed with the other Committee members that Schulte Roth should brief the full Board on their findings, he contacted the witness after the SRZ report was completed and asked why the report needed to be provided to the full Board or why the Board needed to be briefed on the findings.

David Horner

The OIG review found no evidence of misconduct on the part of former Board member David Horner. Horner resigned from his position on the Board on January 12, 2021. Horner (a member of the Committee) took issue with the way in which the Committee proceeded with the investigation and specifically a lack of due process. However, he made no overt effort to impede the investigation or keep the investigative findings from the full Board.

Allegation 2: The interactions of Mr. Evans and Mr. Price with WMATA staff to possibly influence the handling of the results of the investigation regarding whether Mr. Evans violated the Code of Ethics.

1. If Jack Evans interacted with WMATA staff to influence the handling of the results of the investigation, provide the facts necessary for the Ethics Committee to determine whether he did so in a manner that violated the Code of Ethics.

Following the Committee's findings that he violated the Board's Code of Ethics, Evans provided false and misleading statements to the public and the press by stating there was no finding that he violated the Code. Furthermore, he falsely stated that he was stepping down from the Board Chairmanship due to a normal rotation of this position. Clarence Crawford, former Board member and Ethics Committee Chair, and the Board subsequently issued a public statement clarifying that Evans had violated the Board's Code of Ethics.

According to a witness, on May 7, 2019, Evans contacted the witness several times complaining about a Board Executive Committee meeting being scheduled without his knowledge and a pending statement by the Board concerning his ethics violation. The witness stated, "Evans felt that everything was [another witness's] fault," Evans stated something similar to, "I know this is [the other witness's] doing, and I'm going to make [that witness] pay." Furthermore, Evans stated to the former witness something to the effect that, "If you're not careful, you'll be next. I hope you're not involved, but it seems like you are." That witness took Evans' statements to mean he would fire or get rid of that witness and took Evans' words as "harassing, threatening, and rude."

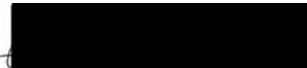
That witness subsequently told another witness that Evans had threatened their jobs with WMATA. Evans did not threaten that other witness directly. As for the former witness, on May 13, 2019, Crawford discussed those threats with Evans, during which Evans appeared to acknowledge his statements to the former witness and was apologetic. Evans then apologized to the other witness, who was present at the meeting. Crawford also told Evans he needed to apologize to the former witness, who confirmed that he did.

2. If Corbett Price interacted with WMATA staff to influence the handling of the results of the investigation, provide the facts necessary for the Ethics Committee to determine whether he did so in a manner inconsistent with his duties as a member of the Ethics Committee, or in a manner that violated the Code of Ethics.

According a witness, Price made comments to the witness regarding the investigation. The witness was uncertain how seriously to take the interaction with Price. The witness recalled that during deliberation at WMATA headquarters, the witness and Price were in the restroom when Price commented that the Evans matter was “stupid”, and Price wished that the witness would have made the matter go away. Furthermore, according to the witness, Price wished that no outside counsel had been hired and opined that if the witness had conducted the investigation it would have been easier for the Ethics Committee to resolve the matter in Evans’ favor. Since Price did not agree to an interview, OIG could not offer further insight as to why he made these statements or what he meant by them.

Should you have any questions regarding OIG’s response, please feel free to contact me at (202) 962-1691 or RFebles@wmataoig.gov.

Sincerely,

A black rectangular redaction box covering a signature.

Rene Febles
Inspector General