



Advisory Neighborhood Commission 6B

RESOLUTION # 6B-19-03

**Supporting Reprimand and Calling for Suspension of Committee Chair Status,
Investigation and Possible Sanction of Councilmember Jack Evans**

Adopted March 12, 2019

Advisory Neighborhood Commission 6B takes note of the following:

- Advisory Neighborhood Commission 6B takes seriously the ethical obligations of employees of the District of Columbia, including members of the DC Council. Under DC law, “Each employee ... of the District government must at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.” D.C. Code § 1-618.01(a). This requirement is reinforced in the Council’s Code of Conduct, which requires that “Councilmembers and staff ... maintain a high level of ethical conduct in connection with the performance of their official duties and ... refrain from taking, ordering, or participating in any official action that would adversely affect the confidence of the public in the integrity of the District government.” Rules of Organization & Procedure for the Council of the District of Columbia, R. 202(a). The District of Columbia Municipal Regulations similarly require employees to “place loyalty to the laws and ethical principles above private gain” and prohibit “hold[ing] financial interests that conflict with the conscientious performance of duty”; “engag[ing] in financial transactions using nonpublic government information or allow[ing] the improper use of such information to further any private interest”; “us[ing] public office or position for private gain”; “giv[ing] preferential treatment to any private organization or individual”; and “engag[ing] in outside employment or activities, including seeking or negotiating for employment, that conflict with their official government duties and responsibilities.” DCMR § 6B1800.3(a), (b), (c), (g), (h), (j). The Commission believes that serious violations of these obligations substantially threaten the public trust and expects that serious violations of these obligations will be met with serious consequences.
- Councilmember Jack Evans is the Councilmember for Ward 2. He serves as Chair of the Committee on Finance and Revenue, which is responsible for matters relating to taxation and revenue for the operation of the government of the District of Columbia. In addition, he is a member of the Committee on the Judiciary and Public Safety, which has oversight of the Board of Ethics and Government Accountability (BEGA).

- The Washington Post reported on December 7, 2018, that Washington Redskins owner Dan Snyder “(was) getting help from District officials ... as he tried to clear a major roadblock to building a new, 60,000-seat stadium on the site of RFK Stadium.” The newspaper specifically stated that Councilmember Evans was among the “local officials playing a key role.”
- The Washington Post reported on March 2, 2019, that Councilmember Evans and his staff repeatedly used government email accounts to solicit business from law firms that lobby the DC government. In business proposals submitted to these law firms, Councilmember Evans described the DC Council as “the flattest political organization in the country,” with “just 15 elected officials in the city.” He described his ability to leverage connections gained via his service as a Councilmember as “fertile ground” to financially benefit clients and potential clients of the law firms.
- The Chair of the DC Council, Phil Mendelson, introduced a proposed reprimand resolution on March 5, 2019, for Councilmember Evans’ knowing use of the prestige of his office and public position to seek private gain, as well as his use of government resources for personal professional gain. The reprimand resolution expressly does not concern additional allegations that Councilmember Evans engaged in misconduct. As noted in Rule 654(a) of the Rules of Organization and Procedure for the Council of the District of Columbia, “A reprimand ... is not punishment or discipline and, therefore, does not require an investigation or hearing.”
- Councilmember Evans has been implicated in additional serious misconduct, including his actions to promote legislation in 2016 that would have benefited a digital sign company, Digi Outdoor Media, from which he had received money and stock that he claims he returned. In addition, Councilmember Evans urged the Public Service Commission to approve a merger between Exelon and Pepco without disclosing a relationship between Evans and Exelon’s lobbying firm. Additional incidents and details are available here: <http://www.districtdig.com/2019/03/05/the-influencer/>, here: [.../2019/01/18/ball-of-confusion/](http://www.districtdig.com/2019/01/18/ball-of-confusion/); here: [.../2018/11/15/new-jack-city/](http://www.districtdig.com/2018/11/15/new-jack-city/); and here: [.../2018/07/18/second-thoughts/](http://www.districtdig.com/2018/07/18/second-thoughts/). The full scope of Councilmember Evans’ business dealings and how those dealings relate to his service as a Councilmember is unknown, in part because he has not provided a list of clients in his financial disclosure documents.
- BEGA is investigating whether Councilmember Evans violated the Council’s Code of Conduct by lobbying on behalf of a client for a law firm at which he was employed, as well as additional complaints that Councilmember Evans made false statements on his most recent financial disclosure statement in connection with his outside activities and that he violated rules regarding outside employment. BEGA’s investigation has been stayed because of a pending federal investigation. The DC Council and Mayor Muriel Bowser’s administration recently received federal subpoenas for a wide range of information related to Councilmember Evans and his legal and consulting clients. The precise subject, scope, and timing of this federal investigation is unknown, and this investigation may not include all of Councilmember Evans’ actions that constitute or might constitute misconduct under the Council’s Code of Conduct.

- On March 4, 2019, At-Large Councilmember David Grosso, At-Large Councilmember Elissa Silverman, and Ward 1 Councilmember Brianne Nadeau officially requested that Chair Mendelson exercise his authority under Rule 651(a) of the Rules of Organization and Procedure for the Council of the District of Columbia to establish an ad hoc committee to investigate Councilmember Evans' potential misconduct. They also urged the Chair to consider temporarily suspending Councilmember Evans from his existing Committee assignments. As noted by Councilmember Grosso, the proposed reprimand resolution “stops short of any real accountability as Councilmember Evans will remain at the helm of the powerful Finance and Revenue Committee from which he peddled his influence using the prestige of his office.... Additionally, he remains on the Committee on the Judiciary and Public Safety, which has oversight of the Board of Ethics and Government Accountability. True consequences for his behavior should necessitate the reorganization of the current committee structure.”
- Based on the facts as we know them, Councilmember Evans has engaged in a pattern and practice of willful misconduct, violating the Council's Code of Conduct and substantially threatening the public trust. The full scope of his misconduct – and what might constitute an appropriate and proportionate sanction – is not yet known, however, and cannot be known without a fulsome and expeditious investigation.

RESOLVED:

That Advisory Neighborhood Commission 6B supports the DC Council's proposed resolution to immediately reprimand Councilmember Evans for known violations of the Code of Official Conduct of the Council of the District of Columbia, but notes that a reprimand is not punishment or discipline and does not address the full scope of actual and potential misconduct.

That Advisory Neighborhood Commission 6B calls on the DC Council to temporarily suspend Councilmember Evans as Chair of the Committee on Finance and Revenue based on known violations of the Code of Official Conduct of the Council of the District of Columbia and significant reliable evidence of additional misconduct.

That Advisory Neighborhood Commission 6B calls on the DC Council to temporarily suspend Councilmember Evans as a member of the Committee on the Judiciary and Public Safety based on known violations of the Code of Official Conduct of the Council of the District of Columbia and significant reliable evidence of additional misconduct.

That Advisory Neighborhood Commission 6B calls on the DC Council to investigate Councilmember Evans, immediately disclose to the public the results of the investigation, and adopt a resolution of censure or expulsion, if appropriate, based on its authority under the Rules of Organization and Procedure for the Council of the District of Columbia. If the DC Council defers its investigation to federal criminal authorities, Advisory Neighborhood Commission 6B calls on the Council to ensure such investigation extends to the full scope of potential misconduct and proceeds expeditiously.

That Advisory Neighborhood Commission 6B calls on the DC Council to consider legislative modifications to ban outside employment for Councilmembers or, at a minimum, to require the disclosure of all clients where a Councilmember engages in outside employment, to ensure proper application and enforcement of the Council's recusal requirements, as well as to ensure public trust in the Council.

That Advisory Neighborhood Commission 6B calls on the DC Council to consider legislative modifications to strengthen protections against conflicts of interest, including banning DC Councilmembers from knowingly acquiring stocks, bonds, commodities, real estate, or other property of any value (i.e., no de minimus limitation) from entities doing business with or affected by DC Council action, or at a minimum, mandating recusal in such situations, to ensure Councilmembers act without consideration of personal financial gain or the appearance of undue influence.

FURTHER RESOLVED:

The Commission authorizes the Chairperson of ANC 6B to designate a Commissioner to represent the Commission in matters relating to this resolution.

ADOPTED by show of hands vote at its regularly scheduled, properly noticed meeting on March 12, 2019, with a quorum of 10 Commissioners present, and by a vote of 8 YES, 2 NO, and 0 ABSTENSION.

ATTEST:



Chander Jayaraman, Chairman

Commissioners in Support:

Jennifer Samolyk (6B01); Brian Ready (6B03); Corey Holman (6B05); Steve Holtzman (6B06); Kelly Waud (6B07); Chander Jayaraman (6B08); Kasie Clark (6B09); Denise Krepp (6B10)