

COUNCIL OF THE DISTRICT OF COLUMBIA

1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

October 8, 2019 2019 OCT -8 PM 2:09

TO: Members of the Council
FR: Phil Mendelson, Chairman *J.M.*
RE: Investigation of Councilmember Jack Evans

OFFICE OF THE
SECRETARY

In July I proposed and the Council adopted a resolution authorizing investigation of Councilmember Jack Evans for alleged violations of the Council's Code of Conduct. I had hoped the investigation by the law firm of O'Melveny & Myers would be completed in two months. On September 16th I announced I would proceed with an investigating committee even though the report is not yet completed. The purpose of this memorandum is to announce the appointment of an Ad Hoc Committee to Investigate Mr. Evans.

The Ad Hoc Committee shall function pursuant to Council Rules 651-653, and shall adhere to those Rules. All councilmembers except Mr. Evans are hereby appointed as members of the Ad Hoc Committee. This recognizes the importance of the Council's need to address the allegations thoroughly. Councilmember Mary Cheh is appointed chair of the Committee.

The scope of what the Ad Hoc Committee considers is set forth in Council Resolution R. 23-175 adopted on July 9th.

The O'Melveny & Myers report must precede the Ad Hoc Committee's work. The investigative phase – conducting interviews and document review – is nearly complete, so the report is expected within a few weeks. Once the report is issued the Committee will need to meet, afford Mr. Evans an opportunity to be heard, and determine whether further investigation is warranted, the matter is to be set for a hearing, and what further action should be taken.

The allegations concerning Mr. Evans' conduct are serious and have affected the public's respect for the Council. They concern: whether Mr. Evans used his public office for private gain; whether he violated disclosure requirements applicable to councilmembers; whether he failed to recuse himself on matters before the Council for which Council rules require recusal; whether there was a quid pro quo for certain votes; and other possible violations. If any of these allegations are substantiated by the O'Melveny & Myers investigation, that report will contain the charges on which proposed sanctions may be based.

As you know, the Council's Rules specify three types of sanction: (1) reprimand; (2) censure; (3) expulsion. The gravity of the allegations, if sustained by the investigation, warrant consideration of all of these. The Ad Hoc Committee may propose additional or alternative sanctions. The Committee shall report its recommendation and findings to the Council within 90 days of the O'Melveny & Myers report.