



June 27, 2019

WMATA Board of Directors
600 5th Street NW
Washington, DC 20001

Dear Board Members,

As members of the Washington Metropolitan Area Transit Authority (“WMATA”) Ethics Committee, we are writing the Board to recommend ways to strengthen and improve the Board’s Code of Ethics (the “Code”).

Our recent investigation into Mr. Evans’ conduct was a test of the current Code, as written and adopted by the (then) WMATA Board of Directors in 2016. Through the course of the investigation, deliberations, and reporting process, we identified several areas that should be amended to improve transparency, accountability, and fairness to all parties.

To ensure that the Ethics Committee meets the expectations of its appointing authorities to which we have dual fiduciary responsibilities, and to ensure the Committee conducts and reports on ethics investigations in a timely manner consistent with its oversight of a public agency, we recommend that the Board consider amending the Code to reflect the following:

- The Ethics Committee should be composed of an odd number of members, changing the current configuration from four to five members;
- The Ethics Committee should be required to provide a non-privileged written report of its findings to the full Board in public session;
- A Board resolution should be required to close an ethics matter;
- The Board should consider including a standard of evidence in the Code for finding a violation of the Code, as well as some guidance for evaluating “apparent” conflicts of interest;
- WMATA’s Office of Inspector General should automatically conduct an independent review all Board ethics investigations; and
- Board financial disclosure forms should be revised and completed forms should be posted on WMATA’s website for public inspection annually.

If the opportunity arises in the future for amendments to WMATA’s Compact, we also recommend that the full Board should be required to convene and take action on any ethics matter with the participation of a simple majority, without the need for a quorum in which every signatory jurisdiction is present.

It is in the best interest of WMATA and the region that the Board act timely to amend the Ethics Code and we hereby urge consideration of these recommendations.

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

*By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines*

*A District of Columbia
Maryland and Virginia
Transit Partnership*

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Smedberg". The signature is fluid and cursive, with the first name being the most prominent.

Paul C. Smedberg
WMATA Ethics Committee

A handwritten signature in black ink, appearing to read "David B. Horner". The signature is cursive and somewhat stylized, with the first name being the most prominent.

David B. Horner
WMATA Ethics Committee

A handwritten signature in black ink, appearing to read "Clarence C. Crawford". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Clarence C. Crawford
WMATA Ethics Committee Chair